



W.P(MD).No.23230 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P(MD).No.23230 of 2019

and

W.M.P(MD).No.19950 of 2019

M/s Gaviko Aristics Creators and
Event Management Amneties (P) Limited,
Represented by its Director,
Suba Dharma Perumal,
6/134A, Amman Koil 1st Street,
Nehru Nagar, Polichalur,
Chennai-600074.

... Petitioner

Vs.

The Joint Commissioner (P&V)
Office of the Commissioner of Customs (Preventive)
No.1, Williams Road,
Cantonment, Trichirapalli-620001.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the record of C.No.II/39/08/2019-Estt. (Cus) dated 03.06.2019 and quash the same as it is arbitrary, unreasonable and disproportionate.

For Petitioner : Mr.Thiyagaraja
For Mr.Sudalaimuthu

For Respondent : Mr.B.Vijayakarthiskeyan
Senior Standing Counsel



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ORDER

The contention of the petitioner is that the respondent issued the impugned order without giving an opportunity for making submissions and denying to furnish the documents in support of petitioner's contention. An enquiry was initiated against him based on the complaint given by Everwin Security Services Private Limited, Chennai that the petitioner furnished the forged documents while participating in the tender for housekeeping with the Customs Department. The respondent without conducting proper enquiry passed the above impugned order in violation of principles of natural justice. Hence, this writ petition filed.

2. The learned Standing Counsel for the respondent submit that in this case, Everwin Security Services Private Limited lodged a complaint against the petitioner for producing forged NSIC Registration Certificate, EPF Registration Certificate, ESI Registration Certificate and other documents, which are fundamentally required to participate in the tender. By using the forged documents, the petitioner become a successful bidder. He had also received payments for the services rendered. After receipt of the complaint, the petitioner was called for an enquiry in C.No.II/36/06/2018-Estt. (Cus), dated 10.04.2019, wherein, the petitioner was questioned about the forged



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documents submitted in the tender. Hence, the petitioner directed to give their explanation and also to prove the genuineness of documents.

3. On 26.04.2019, they appeared before the customs authorities, namely, Mr.G.Subramaniam, Executive Officer and Mr.M.Manoj Kumar, Branch Head and the officials met the authorities and discussed the issues. The petitioner directed to give their explanation and further details after consulting with the other legal experts. This was followed by an e-mail on 28.04.2019. Thereafter, considering all these aspects, the respondent passed the order on 03.06.2019. The order is the detailed one giving particulars about in what way the forged documents used by the petitioner to become successful bidder in the tender. Hence, the charges proved. The petitioner was backlisted with effect from 01.06.2019 and now it is almost three years completed and only one more year and thereafter, the petitioner is free to participate in future tenders.

4. Considering the submission and perusal of the material, it is seen from the impugned order, the complaint given by Everwin Security Services Private Limited, Chennai against the petitioner for forging of documents and thereby using the same and uploaded in the online, participated in the tender and also becomes successful bidder. The respondent issued notice to appear



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for personal hearing and also heard the petitioner. Thereafter, the documents and pan card details found to be forged. Hence, backlist orders passed for four years with effect from 01.06.2019.

5. This Court finds that no merits in the petitioner's contention and no reason to interfere with the impugned order. Hence, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

14.07.2022

Index : Yes / No
Internet : Yes/ No
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To

The Joint Commissioner (P&V)
Office of the Commissioner of Customs (Preventive)
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M.NIRMAL KUMAR, J.

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