

18.11.2023
Item No.2
gd/ssd

MAT/1760/2023
IA NO: CAN/1/2023
APPRAISER, CUSTOMS BROKER
SECTION, CUSTOMS HOUSE
VS
AKSHOY KUMAR GHOSH AND SONS AND ANR.

Mr. K.K. Maiti,
Mr. Aishwarya Rajyashree
..for the Appellant.

Mr. Mainak Bose,
Mr. Neeraj Kumar Pandey,
Mr. Shakeel Mohammed Akhter
..for the Respondents.

1. This intra court appeal by the department is directed against the order passed by the learned Single Bench dated 9th August, 2023 in WPA 16877 of 2023.

2. By the said order the learned writ court had set aside the notice issued by the authorities fixing a date for hearing the writ petitioner.

3. The learned Single Bench took note of the earlier direction issued by the learned writ court as well as by the Division Bench and found that the notice on inquiry was far beyond the time stipulated in those orders and, therefore, quashed the said proceedings and directed the restoration of the writ petitioners' licence.

4. It is not in dispute that the licence of the respondents/writ petitioners has since been restored.

Though it is contended that under the threat of contempt the same has been restored, we find that no such liberty was reserved by the appellant/department while restoring the licence.

5. Thus, considering the peculiar facts and circumstances of the case, we are of the view that the order passed by the learned writ court does not call for any interference.

6. Accordingly, the appeal stands dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)