

OD-28

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

APO/100/2018
IA No.GA/1/2016 (Old No.GA/938/2016), GA/2/2016 (Old No.939/2016)

THE UNION OF INDIA THROUGH THE COMMISSIONER OF CUSTOMS
(PREVENTIVE)

-Versus-

RAJ KUIMAR MONDAL

BEFORE:

The Hon'ble JUSTICE DEBANGSU BASAK

AND

The Hon'ble JUSTICE MD. SHABBAR RASHIDI

Date : 15th June, 2023.

Appearance :
Mr. Bhaskar Prasad Banerjee, Adv.
Mr. Tapan Bhanja, Adv.
...for the appellant..

The Court: Supplementary affidavit filed in Court be taken on record.

For the ends of justice, the causes shown in the application for condonation of delay are accepted as sufficient and the delay is condoned.

Accordingly, the application for condonation of delay is disposed of. The appeal is taken up for consideration on merits.

The appeal is directed against an order dated February 5, 2016 passed in the writ petition.

By the impugned order, the learned Judge noted that, notice of hearing in respect of a show-cause notice dated July 16, 2015 was received by the writ petitioner on July 21, 2015 when the date of hearing thereof was fixed on July 20, 2015. Consequently, the learned Judge found that the writ petitioner was denied a reasonable opportunity of hearing and proceeded to request the Commissioner

of Customs (Preventive) to afford the writ petitioner a hearing, upon reasonable prior notice, within four weeks from date and dispose of the matter in accordance with law.

It is contended on behalf of the appellant that, subsequent to the first show-cause notice dated July 6, 2015, a decision dated July 21, 2015 was taken by which time was extended under Section 124 of the Customs Act, 1962. Thereafter, within the extended time, a second show-cause notice dated January 22, 2016 was issued and order of adjudication dated September 22, 2017 passed. No appeal was carried therefrom.

Be that as it may, we are concerned with the impugned order before us. The impugned order dated February 5, 2016 allows the writ petitioner an opportunity of hearing before the authorities on the ground that the writ petitioner received a notice of hearing subsequent to the date of hearing and, therefore, was denied a reasonable opportunity of hearing.

In such circumstances, we do not find any merit in the instant appeal.

APO/100/2018 along with all connected applications stand disposed of.

However, the authorities are at liberty to proceed against the delinquent in accordance with law.

(DEBANGSU BASAK, J.)

(MD. SHABBAR RASHIDI, J.)