

OD 7

ORDER SHEET
WPO 876 of 2021
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SHRI VIVEK SINGHI
Vs.
UNION OF INDIA & ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date : 6th September, 2023.

Mr. Arijit Chakrabarti,
Ms. Rajyashree Chaudhury Mukherjee, Advs.
... for the petitioner
Mr. Kaushik Dey,
Mr. Abhradip Maity, Advs.
...for the respondents

The Court: Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned adjudication order dated 22nd July, 2021 passed by the respondent Customs Authority concerned being annexure P-6 to the writ petition and the only ground which requires consideration in this writ petition is about violation of principles of natural justice in passing the impugned adjudication order by not providing the link of video conferencing at the time of hearing of the adjudication proceeding which took place during the covid-19 period. Respondents have filed affidavit-in-opposition.

Mr. Dey, learned advocate appearing for the respondent Customs Authority, by the order of this Court dated 29th August, 2023 was

directed to produce the records to negate the allegation of the petitioner that no link was provided to the petitioner for participating in the hearing by video conferencing on the relevant day to which he has filed an office note and on perusal of which it appears that the authority concerned could not specifically substantiate against the allegation of the petitioner by any specific document in support of the contention of the department that link was provided to the petitioner. It only says that it was provided by the officer who has retired but no specific details or any document has been filed. Even in the affidavit-in-opposition also respondent has not made any specific statement about the details of providing such link or annexing document in this regard.

Considering the facts and circumstances of the case and submission of the parties, without going into the merit of the impugned adjudication order, the same is set aside and the matter is remanded back to the adjudication authority concerned solely on the ground of violation of principles of natural justice by not providing the petitioner the link to participate in the hearing by video conferencing at the relevant date due to which petitioner could not participate in the impugned hearing and the respondent adjudicating authority is directed to pass a fresh adjudication order after giving opportunity of personal hearing to the petitioner or his authorised representative within a period of four weeks from the date of communication of this order in accordance with law.

It is clarified that the impugned order has been set aside confining to the case of the writ petitioner only. At the time of hearing petitioner will also be entitled to make written submission.

With these observations and directions, this writ petition being WPO 876 of 2021 is disposed of.

(MD. NIZAMUDDIN, J.)

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