

ORDER SHEET
WPO/1131/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

MAHAVEER PRASAD RAMLAL TELI
VS
UNION OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE MD. NIZAMUDDIN

Date: 14th June, 2023.

Appearance:
Mr. Shrey S. Lodha, Adv.
Ms. Srabani Biswas, Adv.
Mr. Shourya Samanta, Adv.
...For the Petitioner
Mr. Pradyat Saha, Adv.
...For respondent no. 1
Mr. K.K. Maiti, Adv.
Mr. Tapan Bhanja, Adv.
...For the respondent Authority
Mr. Kaushik Dey, Adv.
...For the DRI Authority

The Court: Heard learned advocates appearing for the parties.

By this writ petition, petitioner has challenged the impugned show cause notice dated 6th April, 2023 issued by the Additional Commissioner of Customs on the ground that the said authority has got no jurisdiction in view of Section 124 of the Customs Act, 1962.

I have perused the impugned show cause notice and particularly paragraph 25 of the said notice which is quoted as hereunder :

“25. The noticees should clearly state in his written reply/submission to this notice as to whether they desire to be heard in person before the case is adjudicated. If no reply to this notice is received within thirty (30) days from the date of receipt of the notice or if they do not appear before the Adjudicating Authority for Personal Hearing while the case is posted for

hearing, the case will be decided on the basis of available records without any further reference to him.”

In view of the fact that not any adverse order has been passed by the respondent concerned against the petitioner till date and petitioner has been given opportunity to file both written objection as well as personal hearing and without availing the said opportunity petitioner wants this Court to invoke its Constitutional Writ Jurisdiction under Article 226 of the Constitution of India which I am not inclined to invoke and to grant any relief in this writ petition except extending the time to file reply by the petitioner as has been prayed for by the petitioner for a period of 30 days from the date of communication of this order by observing that if such reply is filed against the impugned show cause notice and petitioner intends to avail opportunity of personal hearing, the same shall be considered and final order shall be passed in accordance with law and by passing a reasoned and speaking order within a period of 12 weeks from the date of receipt of such reply to the impugned show cause notice.

In case of failure on the part of the petitioner in filing the reply/objection to the impugned show cause notice within the time stipulated herein, no further extension will be granted to the petitioner.

With these observations and directions, this writ petition being WPO 1131 of 2023 stands disposed of.

(MD. NIZAMUDDIN, J.)

