

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 300 OF 2023

Amglo Resources Private Limited	)...Petitioner
V/s.	
Union of India through Ministry of	)
Commerce and Others	)...Respondents

Mr. Jitendra Motwani i/b. Economic Laws Practice, Advocate
for the Petitioner.

Mrs. Sangeeta Yadav, Advocate for the Respondents.

**CORAM : NITIN JAMDAR AND
ABHAY AHUJA, JJ.**

DATE : 10 MARCH 2023

P.C.

Various issues involving principles of natural justice, propriety in conducting proceedings which impinge on civil rights of the parties, principles of Administrative Law arise in this Petition but they need not be taken to its logical end in light of the affidavit filed by the Chief Commissioner of Customs dated 3 March 2023.

2 In our order dated 22 February 2023, we had highlighted the difference between actual bias and likelihood of bias and that if it is possible to remove all possibility of any perceived bias then such steps would always be desirable and that by exploring such step, it cannot be concluded that there exists an actual bias in the mind of the authority. The Chief Commissioner of Customs, understanding this position, has suggested two other officers of the rank of Commissioner, who can be assigned with the task of adjudication in the present case and has left it to this Court to pass directions as to hand over the proceedings to either of these officers.

3 While we appreciate the stand taken by the Chief Commissioner of Customs, we leave it to the Chief Commissioner of Customs to assign the concerned adjudication proceedings to either of the persons mentioned in paragraph 2 of the affidavit dated 3 March 2023, as he would be the best person to evaluate administrative exigencies.

4 Accordingly, we dispose of this Writ Petition directing that the concerned proceedings be now dealt with by the officer as specified by the Chief Commissioner of Customs as above and not by the current officer.

5 We make it clear that this order does not mean that we have concluded that there exists an actual bias in respect of the Respondent no.2 to conduct the proceedings.

6 The proceedings would be decided on their own merits.

7 Writ Petition stands disposed of in above terms.

(ABHAY AHUJA, J.)

(NITIN JAMDAR, J.)

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