

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.875 of 2016

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Murari Kumar S/o Sri Satya Narayan Sah, R/o Adarsh Nagar,P.S. Rajopatti,
Distt- Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India through the Commissioner of Customs (Preventive), New Customs House, Near IGI Airport, New Delhi- 37.
2. The Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
3. Additional Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
4. The Joint Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
5. The Assistant Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37..
6. The Assistant Commissioner of Customs (Recovery), New Customs House, Near IGI Airport, New Delhi- 37.
7. The Additional Director Directorate of Revenue Intelligence (herein after referred as DRI), Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawa, CGO Complex, Lodhi Road, New Delhi-03.
8. The Senior Intelligence Officer, DRI, Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-03
9. The Seizing Authority, DRI, Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-03

... .. Respondent/s

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with
Civil Writ Jurisdiction Case No. 17825 of 2015

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Shankar Kumar Sah S/o Sri Bharat Prasad Sah R/o Madura Pura, P.S. -
Baajpatti, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India through the Commissioner of Customs (Preventive), New Customs House, Near IGI Airport, New Delhi-37.
2. The Commissioner of Customs (Preventive/Adjudication), New Customs



House, Near IGI Airport, New Delhi- 37.

3. Additional Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
4. The Joint Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
5. The Assistant Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
6. The Assistant Commissioner of Customs (Recovery), , New Customs House, Near IGI Airport, New Delhi-37.
7. The Additional Director Directorate of Revenue Intelligence (herein after referred as DRI), Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawa, CGO Complex, Lodhi Road, New Delhi-03.
8. The Senior Intelligence Officer, DRI, Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-03

... .. Respondent/s

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with

Civil Writ Jurisdiction Case No. 1145 of 2016

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1. Raju Kumar S/o late Ashok Prasad R/o Village- Madurapur, P.s Bajpatti, District Sitamarhi.
2. Devendar Sah, S/o late Ramchandar Sah R/o Village-Bajidpur, P.s Dumra, Distt Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India the Commissioner of Customs (Preventive), New Customs House, Near IGI Airport, New Delhi- 37.
2. The Commissioner of Customs (Preventive /Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
3. Additional Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
4. The Joint Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
5. The Assistant Commissioner of Customs (Preventive/Adjudication), New Customs House, Near IGI Airport, New Delhi- 37.
6. The Assistant Commissioner of Customs (Recovery), New Customs House, Near IGI Airport, New Delhi- 37.
7. The Additional Director Directorate of Revenue Intelligence (herein after referred as DRI), Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawa, CGO Complex, Lodhi Road, New Delhi-03.



8. The Senior Intelligence Officer, DRI, Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-03
9. The Seizing Authority, DRI, Delhi Zonal Unit, B-4, 6th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-03

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 875 of 2016)

For the Petitioner/s : Mr.Shri Prakash Tiwari, Adv.

For the Respondent/s : Dr.K.N. Singh, ASG

Mr.Anshuman Singh, Sr. SC, Custom

(In Civil Writ Jurisdiction Case No. 17825 of 2015)

For the Petitioner/s : Mr.Shri Prakash Tiwari, Adv.

For the Respondent/s : Dr.K.N. Singh, ASG

Mr.Anshuman Singh, Sr. SC, Custom

(In Civil Writ Jurisdiction Case No. 1145 of 2016)

For the Petitioner/s : Mr.Shri Prakash Tiwari, Adv.

For the Respondent/s : Dr.K.N. Singh, ASG

Mr.Anshuman Singh, Sr. SC, Custom

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 11-07-2024

Ref:-C.W.J.C. No. 875 of 2016

In the instant petition, petitioner has prayed for the following relief(s):-

(a) That by issuance of an appropriate writ or an order a direction be given to the concerned Respondents to provide the copy of the Adjudication order (Order-in-Original No. 143/ADC/Prev./Beta/2014 dated 31.10.2014) to the Petitioner either for its compliance or to challenge the same by preferring an Appeal before the Appellate Authority.

(b) That the concerned



Respondents be also restrained from taking any coercive step against the Petitioner for recovery of Government dues if any as per order dated 01.01.2015-(Annexure-2) as an outcome of Order-in-Original No. 143/ADC/Prev./Beta/2014 dated 31.10.2014 without supplying the copy of the order of Adjudication.

(c) That any other relief or reliefs to which the Petitioner deemed entitle be given to him.

2. Reliefs sought in the present lis is trivial in nature only to the extent of providing copy of the order in original passed in adjudication. For such a trivial issue matter is pending consideration for about seven years.

3. Counter affidavit has been filed on behalf of the respondents no. 7 to 9. Similarly, another counter affidavit has been filed on behalf of respondents no. 1 to 6. Both the counter affidavits have been filed in the year 2023. Prima facie there is a lack of communication of the subject matter of order which is appealable before the appellate authority under Section 128 of the Customs Act, 1962. Due to lack of communication and the fact that reliefs sought in the present lis is trivial in nature, We direct the petitioner to invoke remedy of appeal before the appellate authority in the light of order produced along with the counter affidavit on behalf of respondents no. 7 to 9 within a period of four weeks from the date of receipt of this order.



Appellate authority is requested to condone the delay in filing appeal under Section 128 of the Customs Act, 1962 for the reasons that delay is required to be taken note of from the date of filing counter affidavit on behalf of respondents no. 7 to 9 in the month of September, 2023 read with the counter affidavit filed on behalf of respondents no. 1 to 6 in the month of November, 2023. In the interest of petitioner delay shall be considered sympathetically and proceed to pass order on merit.

4. With the above observation, the present C.W.J.C. No. 875 of 2016 stands disposed of.

Ref:-C.W.J.C. No. 17825 of 2015

In the instant petition, petitioner has prayed for the following relief(s):-

(a) That the concerned Respondents be directed by issuance of an appropriate writ, order or direction to provide the copy of the Adjudication order (Order-in-Original No. 143/ADC/Prev./Beta/2014 dated 31.10.2014) to the Petitioner either for its compliance or to assail the said order before an appropriate Authority.

(b) That the concerned Respondents be also restrained from taking any coercive measure against the Petitioner for recovery of Government dues if any as an out come of Order-in-Original No. 143/ADC/Prev./Beta/2014 dated 31.10.2014 without supplying the copy of the order



of Adjudication.

(c) That any other relief or reliefs to which the Petitioner deemed entitle be given to him.

2. Reliefs sought in the present lis is trivial in nature only to the extent of providing copy of the order in original passed in adjudication. For such a trivial issue matter is pending consideration for about eight years.

3. Counter affidavit has been filed on behalf of the respondents no. 7 and 8. Similarly, another counter affidavit has been filed on behalf of respondents no. 1 to 6. Both the counter affidavits have been filed in the year 2023. Prima facie there is a lack of communication of the subject matter of order which is appealable before the appellate authority under Section 128 of the Customs Act, 1962. Due to lack of communication and the fact that reliefs sought in the present lis is trivial in nature, We direct the petitioner to invoke remedy of appeal before the appellate authority in the light of order produced along with the counter affidavit on behalf of respondents no. 7 and 8 within a period of four weeks from the date of receipt of this order. Appellate authority is requested to condone the delay in filing appeal under Section 128 of the Customs Act, 1962 for the reasons that delay is required to be taken note of from the date



of filing counter affidavit on behalf of respondents no. 7 and 8 in the month of September, 2023 read with the counter affidavit filed on behalf of respondents no. 1 to 6 in the month of November, 2023. In the interest of petitioner delay shall be considered sympathetically and proceed to pass order on merit.

4. With the above observation, the present C.W.J.C. No. 17825 of 2015 stands disposed of.

Ref:-C.W.J.C. No. 1145 of 2016

In the instant petition, petitioners have prayed for the following relief(s):-

(a) That by issuance of an appropriate writ or an order a direction be given to the concerned Respondents to provide the copies of the Adjudication order (Order-in-Original No. 143/ADC/Prev./Beta/2014 dated 31.10.2014) to the Petitioners either for its compliance or to challenge the same by preferring an Appeal against the said order before the Appellate Authority.

(b) That the concerned Respondents be also restrained from taking any coercive step against the Petitioners for recovery of Government dues as per order dated 01.01.2015- (Annexure-2) if any by way of penalty as an out come of Order-in-Original No. 143/ADC/Prev./Beta/2014 dated 31.10.2014 without supplying the copies of the order of Adjudication.

(c) That any other relief or relief's to which the Petitioners deemed entitle be



given to them.

2. Reliefs sought in the present lis is trivial in nature only to the extent of providing copy of the order in original passed in adjudication. For such a trivial issue matter is pending consideration for about seven years.

3. Counter affidavit has been filed on behalf of the respondents no. 7 to 9. Similarly, another counter affidavit has been filed on behalf of respondents no. 1 to 6. Both the counter affidavits have been filed in the year 2023. Prima facie there is a lack of communication of the subject matter of order which is appealable before the appellate authority under Section 128 of the Customs Act, 1962. Due to lack of communication and the fact that reliefs sought in the present lis is trivial in nature, We direct the petitioners to invoke remedy of appeal before the appellate authority in the light of order produced along with the counter affidavit on behalf of respondents no. 7 to 9 within a period of four weeks from the date of receipt of this order. Appellate authority is requested to condone the delay in filing appeal under Section 128 of the Customs Act, 1962 for the reasons that delay is required to be taken note of from the date of filing counter affidavit on behalf of respondents no. 7 to 9 in the month of September, 2023 read with the counter affidavit



filed on behalf of respondents no. 1 to 6 in the month of November, 2023. In the interest of petitioner delay shall be considered sympathetically and proceed to pass order on merit.

4. With the above observation, the present C.W.J.C. No. 1145 of 2016 stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

shahzad/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.07.2024
Transmission Date	NA

