

Amol

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 20 OF 2024
IN
CUSTOM APPEAL (ST) NO. 32407 OF 2023

Principal Commissioner of Customs General	...Applicant
<i>In the matter between</i>	
Principal Commissioner of Customs General	...Appellant
<i>Versus</i>	
Mahendra Shipping Agency	...Respondent

Mr Karan Adik, with Mamta Omle, for the Appellant.

AMOL
PREMNATH
JADHAV

Digitally signed by
AMOL PREMNATH
JADHAV
Date: 2024.12.02
14:23:17 +0530

CORAM M.S. Sonak &
 Jitendra Jain, JJ.
DATED: 27 November 2024

PC:-

Interim Application No. 20 of 2024

1. Heard Ms Omle for the Applicant.
2. Ms Omle states that notice of this application seeking condonation of delay is already served upon the Respondent. The delay is of only three days. Sufficient cause is shown in the application.
3. Accordingly, we condone the delay and allow this Interim Application.

4. The Interim Application is disposed of.

Custom Appeal (ST) No. 32407 OF 2023

5. Heard Ms Omle for the Appellant.

6. By a separate order we have condoned the delay in instituting this appeal.

7. We now admit this Appeal on the following substantial questions of law:

“(a). Whether the Hon’ble Tribunal erred in holding under para 2 of the impugned order dated 11.04.2023 that the Respondent/Customs Broker could engage/Sub-let their license to third parties and such a situation of sub-letting of license is not contemplated in regulation 10 of CBLR, 2023 and hence the use of the exclusive broker’s license by a third party cannot be a breach of regulation 10 of CBLR, 2013 and would absolve the Respondent from any liability?

(b). Whether the findings about there being no breach of CBLR, 2013 are vitiated by perversity?”

8. Instead of admitting the appeal on questions (b) to (f) proposed by the Appellant, we think that the above two questions, including, the question (b) now formulated by us both cover the questions proposed by the appellant under (b) to (f).

9. The Appellant to take steps to once again serve the Respondents after admission of this appeal.

(Jitendra Jain, J)

(M.S. Sonak, J)