$~8

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CUSAA 209/2019 and CM APPLs. 34741-42/2019

COMMISSIONER OF CUSTOMS .....Appellant

Through: Ms Suhani Mathur, Advocate.

versus

PRASHUN JAIN .....Respondent

Through: Mr Amarjeet Singh with Mr Pravesh Bahuguna, Advocates.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU
HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

O R D E R

% **11.11.2024**

1. The Revenue has filed the present appeal under Section 130 of the Customs Act, 1962 impugning an order dated 06.11.2018 passed by the learned Customs, Excise and Service Tax Appellate Tribunal (CESTAT) allowing the respondent against the order-in-original dated 30.03.2018 whereby the learned Commissioner had revoked the respondent's custom broker licence and had forfeited the security amount of Rs.75,000/-.

2. On the hearing held on 30.08.2024, the learned Counsel for the respondent had submitted that he was ready and willing to surrender the licence voluntarily. In view of the aforesaid, this court had directed the respondent to file an affidavit to the aforesaid effect to which the respondent has done so.

3. On 05.11.2024, this court had passed the following order:

"1. The respondent has since filed an affidavit affirming that he has not worked as a CHA Agent and has not used the CHA licence for the last fourteen years, that is, since 15.12.2010. He also states that he has not used his CHA licence after its restoration in terms of the impugned order dated 06.11.2018.

2. It is also affirmed by the respondent that he does not wish to continue with the said CHA licence in future and intends to surrender it.

3. *Prima facie*, it appears that the present appeal is rendered as academic in view of the said affidavit.

4. Learned counsel appearing for the Revenue seeks time to take instructions whether the appeal can be disposed of in view of the said affidavit.

5. List on 11.11.2024."

4. Ms Suhani Mathur, the learned counsel appearing for the appellant submits, on instructions, that the present appeal may be disposed of as not required to be pressed in view of the affidavit furnished by the respondent. She, however, submits that the respondent must be held bound to the statement affirmed in the affidavit.

5. In view of the above, the present appeal is disposed of. The respondent is bound down to the statement affirmed in the affidavit filed in this court.

VIBHU BAKHRU, J

SWARANA KANTA SHARMA, J

NOVEMBER 11, 2024 / *tr*

Click here to check corrigendum, if any