

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4165 of 2015

1. Cachar Supari Centre and Anr son of Late Sudhanshu Roy, resident of East Bazar, P.s. Karimganj, District Karimganj, Assam.
2. Bikaner Assam Road Lines India Ltd. through its Director Sushil Kumar Daga, son of Shri Bhawar Lal Daga, resident of H B Road, Fancy Bazar, P.S. Paan Bazar, District Guwahati, Assam.

... .. Petitioner/s

Versus

1. The Union of India
2. The Commissioner of Customs Preventive, 4th floor, Central Revenue Building Beer Chand Patel Path
3. The Additional Commissioner cum Adjudication authority, 4th floor Central Revenue Building Beer Ch
4. The Assistant Commissioner, Preventive, Customs Head Quarter, 4th floor Central Revenue Building

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
For the Respondent/s	:	Dr. K.N. Singh, ASG
		Mr. Anshuman Singh, Sr. SC Customs

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 25-08-2025

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

"For issuance of writ of certitori for quashing of the order dated 13.02.2015 passed by Respondent No. 1 in Custom Appeal No. 962-963/2014 whereby and whereunder the appeals of the petitioners filed under Section 128 of Customs Act, 1962 has been dismissed."



2. Petitioner No. 1, M/s Cachar Supari Centre, Karimganj was the consigner of the goods and Petitioner No. 2, M/s Bikaner Assam Road Lines India Limited, Guwahati was entrusted for transportation of betelnuts weighing 7200 KGs. valued at Rs. 7,20,000/-. It was seized by the customs authority under Section 110 of the Customs Act, 1962. It was being transported through M/s Bikaner Assam Road Lines India Limited, Guwahati. At a given point of time, M/s Bikaner Assam Road Lines India Limited, Guwahati claimed provisional release of the goods and it was not materialized. Resultantly, he has invoked remedy before this Court. Thereafter, the concerned authorities have proceeded to release goods provisionally after completion of various formalities. The petitioners feeling aggrieved by the adjudicatory authority's order dated 31.03.2013 preferred appeal before the appellate authority on 01.07.2013. Initially, it was rejected on the ground of delay, thereafter, at the behest of this Court's direction, the appeal filed by the petitioners was reconsidered on merit and it was rejected on 13.02.2015, hence, the present petition. Perusal of the appellate authority's order dated 13.02.2015 read with the grounds of appeal, it is evident that appellate authority has failed to consider each of the grounds in support of the appeal filed on behalf of the petitioners. Perusal of



the appellate authority's order, it is evident that appellate authority on his own drawn proceedings without referring to each of the contentions raised by the petitioners in his memorandum of appeal. Resultantly, the very object of filing appeal before the appellate authority and in non-consideration would defeat the right of the petitioners. We have to take note of the fact that appellate authority is exercising quasi judicial power under the Customs Act, 1962. Further, whatever the action taken by the appellate authority is subject matter of judicial review under Article 226 of the Constitution. Therefore, appellate authority should have passed reasoned and speaking order after considering each of the contentions raised by the petitioner in his memorandum of appeal.

3. Having regard to these facts and circumstances and the fact that time and again Courts have held that quasi judicial authorities are required to pass a reasoned and speaking order after considering each of the contentions, wherever judicial review is warranted. In the light of these facts and circumstances of the case, the petitioners have made out a case so as to interfere with the appellate authority's order dated 13.02.2015 (Annexure-9) and it is set aside. Matter is remanded to the appellate authority to pass fresh order after due consideration of each of the contentions raised in the memorandum of appeal. Petitioners are permitted to



urge additional grounds, if any, within a period of four weeks from the date of receipt of this order. Thereafter, the appellate authority is hereby directed to consider each of the contentions raised by the petitioners in memorandum of appeal and additional grounds, if any, thereafter proceed to pass a speaking order. Petitioners or his representative may be heard in person through oral hearing. Such a date of oral hearing shall be made known to the petitioners within fifteen days in advance.

4. With the aforesaid observations, the present writ petition stands allowed in part.

5. We have made it clear that we have not passed any orders on merit. The same shall be taken note of by the appellate authority.

(P. B. Bajanthri, J)

(Shailendra Singh, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

