

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No. 291 of 2020

In

Civil Writ Jurisdiction Case No.6202 of 2020

V.S. Enterprise having its Registered Office at Nam Doboka Gaon, Doboka, District Nagaon, Assam through its Proprietor Biren Sah aged about 48 years, Male, son of Late Kadam Lal Sah, resident of Village Gangar Ghose, P.S. Baisi, District- Purnea, Bihar.

... .. Appellant/s

Versus

1. The Union of India through the Commissioner of Customs, (Preventive), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
2. The Additional Commissioner cum Adjudicating Authority, Office of the Commissioner of Customs, (Preventive), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna.
3. The Assistant Commissioner cum Incharge, Forbishganj Customs (Preventive) Division, Forbishganj, Bihar.
4. The Inspector, (Preventive) cum Seizing Officer, Forbishganj Customs Division, Fobishganj, Bihar.
5. Bishal Roadways, having its Registered office at 236, Don Bosco Road, Mangaldoi Gaon, Darrang, Assam through its authorized Signatory Shyama Kant Choudhary, aged about 47 years, Male, Son of Late Shri Ram Choudhary, Resident of Lok Nath Para, P.S. Dalkola, District Uttar Dinajpur, West Bengal.

... .. Respondent/s

with

Letters Patent Appeal No. 58 of 2021

In

Civil Writ Jurisdiction Case No.6201 of 2020

V. S ENTERPRISES having its Registered Office at Nam Doboka Gaon, Doboka, District- Nagaon, Assam through its Proprietor Biren sah aged about 48 years, Male, son of Late Kadam Lal sah, Resident of village- Gangar Ghose, P.s.- Baisi, District- Purnea, Bihar

... .. Appellant/s

Versus

1. The Union of India through the Commissioner of Customs, (Preventive), 5th



- Floor, Central Revenue Building, Birchand Patel Path, Patna
2. The Additional Commissioner cum Adjudicating Authority, Office of the Commissioner of Customs, (Preventive), 5th Floor, Central Revenue Building, Birchand Patel Path, Patna
 3. The Assistant Commissioner cum Incharge, Integrated Anti Smuggling Unit, Customs, (Preventive) Division, Muzaffarpur, Bihar
 4. The Inspector, Customs (Preventive), Division Muzaffarpur cum Seizing Officer, Office of the Anti Smuggling Unit, Customs (Preventive) Division, Muzaffarpur, Bihar
 5. Bishal Roadways, Having its registered office at 236, Don Bosco Road, Mangaldoi Gaon, Darrang, Assam through its authorized signatory Shyama Kant Choudhary, aged about 47 years, male, son of Late Shri Ram Choudhary, resident of Lok Nath Para, P.S. Dalkola, District Uttar Dinajpur, West Bengal.

... .. Respondent/s

=====

Appearance :

(In Letters Patent Appeal No. 291 of 2020)

For the Appellant/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Dr. K. N. Singh, ASG
Mr. Anshuman Singh, CGC

(In Letters Patent Appeal No. 58 of 2021)

For the Appellant/s : Mr. Prabhat Ranjan, Advocate
For the Respondent/s : Mr. Dr.K.N.Singh, ASG
Mr. Anshuman Singh, CGC

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

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

9 24-03-2025 In the instant LPAs appellant has assailed the order of

the learned Single Judge dated 25.08.2020 passed in CWJC

No.6201 of 2020 and CWJC No.6202 of 2020.

2. We have noticed co-ordinate Bench decision dated



25.04.2024 passed in CWJC No.4165 of 2015 in the case of Cachar Supari Centre and Anr. vs. The Union of India and Ors., in which the learned co-ordinate Bench has taken note of powers of Benches as per the rules of High Court at Patna, 1916 in Chapter 2 by Rule-2(g) and proceeded to hold that writ petition Tax/Custom matter with the certain rider that the matter is required to be adjudicated by Division Bench.

3. In the light of co-ordinate Bench decision we proceed to hold that learned Single Judge has no jurisdiction to decides CWJC No.6201 of 2020 and CWJC No.6202 of 2020 decided on 25.08.2020. Accordingly, they are set aside. CWJC No.6201 of 2020 and CWJC No.6202 of 2020 stands restored on the file.

4. Registry is requested to list CWJC No.6201 of 2020 and CWJC No.6202 of 2020 before the concerned roaster Bench at the earliest.

5. Both the LPA stands disposed of. Pending I.A., if any, are disposed of.

6. At this stage, learned counsel for the appellant submitted that interim order is operating in the present LPA. Interim order merges with the final order in the light of Hon'ble Supreme Court decision in the case of **State Of U.P. Thr.**



Secretary and Ors. Versus Prem Chopra reported in **2022 LiveLaw (SC) 378** (Para-24) and in the case of **Kalabharati Advertising vs Hemant Vimalnath Narichania & Ors.** reported in **(2010) 9 SCC 437** (Para-15 & 24). Accordingly, the interim order granted in the present lis ceases as on this day.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

Prakash Narayan

U			
---	--	--	--

