IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.26307 of 2025
and
W.M.P.No.29616 of 2025

M/s.Shriwin Shipping & Logistics,
Door No.76/80, Moore Street,
Chennai – 600 001,
Rep. by its Partner Mr.G.Nathavel ... Petitioner

Vs.

The Commissioner of Customs (General),
Chennai Customs Zone, No.60, Rajaji Salai,
Custom House, Chennai – 600 001. ... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the Order in Original No.113852/2025 dated 08.07.2025 passed by the respondent herein and to quash the same, in so far as, the said impugned order had been passed without jurisdiction and authority of law and without following the due procedures of law and the various Regulations under CBLR, 2018 and in gross violation to the principles of natural justice and the fundamental rights guaranteed to the petitioner under the Constitution.

For Petitioner : Mr.S.Baskaran

For Respondent : Ms.Pooja Jain
Junior Standing Counsel

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ORDER

This Writ Petition has been filed challenging the impugned order dated 08.07.2025 passed by the respondent, (a) revoking the license of the petitioner (b) forfeiture of the security deposit amount made by the petitioner and (c) imposing penalty of Rs.50,000/- on the petitioner.

2. The petitioner has challenged the impugned order on the ground that it has been passed in violation of regulations 17(1), 17(5), 17(7) of Customs Brokers Licensing Regulations (CBLR), 2018. According to the petitioner, the timeline fixed under the aforesaid regulations have to be strictly followed by the respondent and since the same has not been followed, the impugned orders have to be quashed. The learned counsel for the petitioner in support of the petitioner's contentions that the timeline fixed under the CBLR, 2018 are mandatory, relies upon the following authorities :-

(a) *Syed Khalid Ahmed Vs. The Principal Commissioner of Customs (General) & Anr.* rendered by this Court on 21.03.2025 in W.P.Nos.577 & 581 of 2025;

(b) *M/s.Sea Queen Shipping Services Pvt. Ltd. Vs. The Commissioner of Customs Chennai VIII (General) & Anr.* rendered on 18.09.2025 in W.P.No.2724 of 2025.

3. The learned counsel for the petitioner also drew the attention of this Court to the following documents in support of the petitioner's contention to the timelines as per the CBLR, 2018 have not been adhered to by the respondent before passing the impugned order :-

(a) the offence report was issued on 04.10.2023, however the show cause notice was issued only on 31.01.2024, which is beyond the period of 90 days prescribed under regulation 17(1) of the CBLR, 2018;

(b) the enquiry report is dated 19.02.2025, whereas the show cause notice was issued on 31.01.2024 and since the enquiry report was submitted beyond the period of 90 days from the date of show cause notice, the enquiry report is bad in law as per regulation 17(5) of the CBLR, 2018;

(c) the enquiry report is dated 19.02.2025, however the impugned order is dated 08.07.2025, which is also contrary to regulation 17(7) of CBLR, 2018 as the said regulation stipulates that an order has to be passed within a period of 90 days from the date of offence report;

(d) circular No.9 of 2010 has not been adhered to by the respondent. According to the petitioner, the said circular prescribes an overall time limit of nine months for completing the proceedings from the date of offence report. According to the petitioner, since the same has not been done as seen from the impugned order, the impugned order has to be quashed.

4. On the other hand, learned Junior Standing Counsel appearing for the respondent has placed on record her written submissions as well as the dates and events. She would submit that though the offence report is dated 04.10.2023, but the same was received by the respondent only on 10.10.2023. She would also submit that the supporting documents for the offence report dated 04.10.2023 were received by the respondent only on 03.11.2023 and therefore, according to her, the show cause notice dated 31.01.2024 issued by the respondent is well within time. She further submits as follows :-

(a) the timelines prescribed under Regulation 17 of the CBLR, 2018 are only directory and not mandatory, since the regulation does not stipulate any consequence if the timelines are not adhered to.

(b) merely because the timelines have been exceeded, the same will not vitiate the enquiry report or the order passed by the respondent.

(c) an alternate remedy of appeal u/s 129A of the Customs Act, 1962 r/w Regulation 19 of the CBLR, 2018 is available to the petitioner against the impugned order passed by the respondent and therefore, the writ petition is not maintainable.

(d) the circular relied upon by the learned counsel for the petitioner has no bearing to decide this writ petition, since the said circular pertains to the year 2010.

5. This Court has consistently held as seen from various decisions rendered by it, which includes the decisions relied upon by the learned counsel for the petitioner referred to supra that the timelines fixed under the CBLR, 2018 are mandatory. Though the learned Junior Standing Counsel for the respondent would submit that the timelines fixed in the regulations are only directory, in view of the settled law, this Court will have to hold that the regulations are mandatory and not directory as contended by the learned Junior Standing Counsel for the respondent.

Though Bombay High Court and Karnataka High Court may have held that timelines fixed under the regulations to be directory, this Court having held consistently that the timelines fixed are mandatory, necessarily, this Court will have to follow the consistent view taken by this Court through its decisions rendered by learned Single Judges as well as by the Division Bench. Therefore, this Court is of the considered view that the timelines fixed under regulations 17(1), 17(5) and 17(7) of the CBLR, 2018 are mandatory and they have to be strictly followed.

6. Admittedly, in the case on hand, though the offence report was issued on 04.10.2023 itself, the show cause notice was issued by the respondent to the petitioner only on 31.01.2024, which is beyond the period of 90 days prescribed under regulation 17(1) of CBLR, 2018. Similarly, the enquiry report is dated 19.02.2025, and the show cause notice is dated 31.01.2024 and since the enquiry report was submitted beyond the period of 90 days from the date of show cause notice, the enquiry report is bad in law as per regulation 17(5) of CBLR, 2018. Similarly, the enquiry report is dated 19.02.2025, however the impugned order is dated 08.07.2025, which is also contrary to regulation 17(7) of

the CBLR, 2018 as the said regulation stipulates that the order has to be passed within a period of 90 days from the date of offence report. Since the timelines fixed under the regulations, namely regulations 17(1), 17(5) and 17(7) of CBLR, 2018 have not been followed by the respondent, necessarily, the impugned order has to be quashed.

7. Insofar as the decisions relied upon by the learned Junior Standing Counsel appearing for the respondent rendered by the Bombay High Court and Karnataka High Court are concerned, the same has only persuasive value and since this Court having consistently held that the timelines fixed under the CBLR, 2018 are mandatory in nature, necessarily this Court will have to follow the said decisions and not be bound to the decisions rendered by the Bombay High Court and Karnataka High Court.

8. Insofar as the other contentions raised by the petitioner, namely non-adherence to the Circular No.9 of 2010 is concerned, there is no necessity for this Court to consider the same as in the earlier decisions, the said issue was not considered by this Court. It is also to be noted that

the learned Junior Standing Counsel appearing for the respondent has also made a statement before this Court that Circular No.9 of 2010 has no applicability to the facts of the instance case, since the said circular was issued as early as in the year 2010 itself, and the same is not binding on the respondent as on date, since the regulations relied upon by the petitioner pertains to the year 2018. This Court is not expressing any opinion on the merits of the respective contentions pertaining to Circular No.9 of 2010 is concerned and it is left open for the same to be decided in any other case, which comes before this Court. Since it has been conclusively established that the timelines fixed under CBLR, 2018 as per regulations 17(1), 17(5) and 17(7) have not been adhered to by the respondent, necessarily, the impugned order dated 08.07.2025 has to be quashed.

9. Accordingly, the impugned order, dated 08.07.2025 passed by the respondent, revoking the license of the petitioner, forfeiting security deposit of the petitioner and imposing penalty of Rs.50,000/- on the petitioner is hereby quashed.

10. In the result, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

12.12.2025
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To

The Commissioner Of Customs (General),
Chennai Customs Zone, No.60, Rajaji Salai,
Custom House, Chennai – 600 001.

ABDUL QUDDHOSE. J.

sp

W.P.No.26307 of 2025

12.12.2025
(2/2)

W.M.P.No.29615 of 2025
in
W.P.No.26307 of 2025

ABDUL QUDDHOSE. J.

Dispensed with for the present.

12.12.2025

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