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

+ **W.P.(C) 2979/2024 & CM APPL. 12221/2024**

ZAKIR KHAN

.....Petitioner

Through: Mr. Deepak Gandhi, Mr. Prateek
Bhadana & Ms. Ida Bhatnagar, Advs.

versus

ADDITIONAL COMMISSIONER OF CUSTOMSRespondent

Through: Mr. Harpreet Singh, SSC with Ms.
Suhani Mathur, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE SHAIL JAIN

ORDER

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16.12.2025

1. This hearing has been done through hybrid mode.
2. The only prayer in this petition at this stage is for cross-examination of three of the persons whose statements have been recorded. This Court has already taken a view that cross-examination is not a matter of right. However, considering the fact that the reliance is placed upon the order dated 23rd July, 2024 passed in W.P.(C) 9825/2024, and after having perused the statements recorded of the following persons in the Show Cause Notice, this Court is inclined only to agree to grant a limited cross-examination on the following terms and conditions:

i) The cross-examination of the following persons:

- Mr. Nitin Bansal
- Mr. Kuldeep Singh
- Mr. Arshad Ayub Ali



is permitted for a maximum period of three hours on dates which are fixed by the Adjudicating Authority;

ii) After the cross-examination, the Petitioner shall file a reply to the Show Cause Notice within a period of four weeks, thereafter

3. In the Show Cause Notice, personal hearing shall be granted to the Petitioner and the order shall be passed in accordance with law, with reasons.

4. Mr. Gandhi, Ld. Counsel appearing for the Petitioner submits that if the persons do not appear for cross-examination, then the statements cannot be read in evidence. This Court does not agree with this proposition as the Court is of the view that cross-examination, especially of persons who are alleged to be in collusion with each other, cannot be claimed as a matter of right.

5. The statements having been recorded by the Department and the allegations being of a very serious nature, if the Petitioner wishes to challenge, some responsibility also vests with the Petitioner to ensure that they appear since they have been associated with the Petitioner as well.

6. Accordingly, let the matter be fixed before the Adjudicating Authority on 6th January, 2026 at 2:30 p.m. for cross-examination in the above terms.

The details and address are mentioned below:

***Joint Commissioner, Adjudication, Preventive
Commissionerate (Room No. 219)***

***Address: New Customs House, Near IGI Airport
Terminal-3, New Delhi-110037***

7. Petition is disposed of in these terms. All the pending applications, if any, are also disposed of.

8. Ms. Mathur, Ld. Counsel submits that the Petitioner has not appeared despite the personal hearing notices. In any event, if the Petitioner is in default



and does not appear, the Adjudicating Authority is free to proceed in accordance with law.

PRATHIBA M. SINGH, J.

SHAIL JAIN, J.

DECEMBER 16, 2025/ Rahul/sm/MM