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

\+ **CUSAA 103/2025**

COMMISSIONER OF CUSTOMS (AIRPORT AND GENERAL), NEW DELHI .....Appellant

Through: Ms. Anushree Narain, SSC with Mr. Naman Choula and Mr. Yamit Jatley Advs.

versus

PRIMUS LOGISTICS PVT. LTD. .....Respondent

Through: Mr. Prabhat Kumar, Mr. Karan Dang, Ms. Bhavika Agrawal, Ms. Abhishek Ranjan and Ms. Shreya Chopra, Advs.

**CORAM:**
**JUSTICE PRATHIBA M. SINGH**
**JUSTICE SHAIL JAIN**

**<u>O R D E R</u>**

**% 08.10.2025**

1. This hearing has been done through hybrid mode.

2. The present appeal has been filed by the Appellant- Commissioner of Customs (Airport & General), New Delhi under Section 130G of the Customs Act, 1962, *inter alia*, assailing the final order dated 6th August, 2024 passed by the Customs Excise and Service Tax Appellate Tribunal (hereinafter, '*CESTAT*') in ***Customs Appeal No. 50306/2024*** (hereinafter, "*impugned order*").

3. *Vide* the impugned order, CESTAT has set aside the Order-in-Original dated 29th January, 2024 (hereinafter "*OIO*") passed by the Office of the Commissioner of Customs (Airport and General).

4. While passing the impugned order, the CESTAT has come to the

conclusion that the Show Cause Notice dated 9th August, 2023 (hereinafter "*SCN*") is vague in nature and does not even state the allegations in respect of violation of the regulations alleged to be committed by the Respondent.

5. The Court has examined the OIO as also the SCN. The Customs Broker License of the Respondent was revoked, along with imposition of penalty *vide* OIO dated 29th January, 2024. The operative portion of the said OIO reads as under:

> *"ORDER*
> *In exercise of powers conferred in terms of Regulation 14 & 18 read with Regulation 17 (7) of CBLR, 2018,*
> *(i) I hereby revoke the CB License No.R-75/DEL/CUS/2016 valid upto 14.09.2026 of M/s Primus Logistics Pvt Ltd (PAN No. AA1CP7526R);*
>
> *(ii) I direct the CB to immediately surrender the Original CB License No. R-75/DEL/CUS/2016 valid upto 14.09.2026 (PAN No. AAICP7526R); along with all 'F/G/H' Cards issued there under;*
>
> *(iii) I order for forfeiture of the whole amount of security deposit furnished by them:*
> *(iv) I impose a penalty of Rs.50,000/-(Rupees fifty thousand only) on M/s Primus Logistics Pvt Ltd (PAN No. AAICP7526R) under regulation 18 of CBLR, 2018."*

6. The said order has been set aside by the CESTAT simply without discussing the facts and going into the merits. The relevant and operative portion of the CESTAT order reads as under:

> *"5. Paragraph 5 of the show cause notice then proceeds to state that from the above it appears that the appellant is found to be contravening the provisions of regulations 10(a), 10(d), 10(e) and 10(n) of the Customs Brokers Licensing Regulations 2018 for the reasons narrated in*

*the preceding paragraphs. It, therefore, calls upon the appellant to join the proceedings before the enquiry officer and the enquiry officer was required to submit his report within 90 days from the date of issuance of the show cause notice.*

*6. It clearly transpires that the show cause notice does not even make an attempt to state the allegations concerning the four regulations that have been alleged to be violated. It has been left to the wisdom of the appellant to decipher from the investigation report contained in paragraph 3 of the show cause notice as to what are the allegations that can be culled out against the appellant in respect of the four alleged violations of the 2018 Regulations.*

*7. It was imperative for the officer issuing the show cause notice to precisely spell out the allegations pertaining to the regulations of which violation has been alleged .*

*8. There is, therefore, substance in the submission advanced by Shri Anil Balani, learned counsel appearing for the appellant that the impugned order should be set aside for this sole reason, as the show cause notice does not even state the allegations in respect of violation of the four regulations under the 2018 Regulations.*

*9. Even otherwise, the impugned order that has been assailed in this appeal merely reproduces the investigation report, the report of the enquiry officer, the reply submitted by the appellant . In the discussion*

*part, the Commissioner of Customs has noted the submissions of the appellant, the report of the enquiry officer on this aspect, and has accepted the report of the enquiry officer without even examining the reply submitted by the appellant.*

*10. It is not necessary to examine this aspect of the matter because the order, as noticed above, deserves to be set aside for the sole reason that the show cause notice, which is the foundation of the order, is absolutely* *vague and does not even state the allegations in respect of the four violations.*

*11. In such circumstances, the impugned order dated 29.01.2024 ) passed by the Commissioner of Customs deserves to be set aside and is set aside. The appeal is, accordingly, allowed."*

7. The CESTAT has come to the conclusion that the Show Cause Notice dated 9th August, 2023 was vague and none of the allegations against the Respondent were spelt out. However, there is no discussion on merits at all though the SCN is quite detailed and the OIO is also quite detailed.

8. Considering the above position, on 7th August, 2025, while issuing notice in the appeal, the Court had observed that the CESTAT has not discussed the facts or the merits but has allowed the appeals of the Respondent by general observations. Accordingly, the impugned order was stayed till the next date of hearing.

9. Today, the Court has heard the ld. Counsels for the parties and examined the documents placed on record. The impugned order appears to be vague and in fact, the CESTAT order does not give any reasons for setting aside the Order-in-Original.

10. Under these circumstances, in the opinion of the Court the impugned order cannot be sustained and deserves to be set aside. CESTAT ought to hear and decide the matter on merits.

11. Ld. Counsel for the Respondent submits that he has no objection if the matter is remanded to CESTAT.

12. Accordingly, the impugned order is set aside and the matter is remanded to CESTAT for deciding the same on merits.

13. Considering that the Respondent is stated to be having several employees

working with it, but its licence is suspended, the CESTAT shall decide the matter by 15th December, 2025.

14. List before CESTAT on 15th October, 2025.

15. The appeal is disposed of in these terms. Pending applications are also disposed of.

16. Let a copy of this order be communicated to the Registrar, CESTAT for necessary information and compliance.

**PRATHIBA M. SINGH, J.**

**SHAIL JAIN, J.**

**OCTOBER 8, 2025**/kp/msh