



WEB COPY

WP No. 3895 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 3895 of 2025

and

WMP Nos.4312 and 4214 of 2025

Shri Zuber Ahamed

..Petitioner

Vs

The Additional Commissioner of Customs,
SEZ & FTWZ, Adjudication-CHN-III,
O/o.The Principal Commissioner of Customs,
Chennai-Preventive Customs House,
No.60, Rajaji Salai, Chennai-600 001

..Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, to call for the records pertaining to the impugned exparte order in Original No.110516/2024 dated 29.11.2024 passed by the respondent herein and to quash the same to the extent of para 54(v) & (w) of the impugned order, in so far as the said impugned order had been passed by the respondent without affording an opportunity of personal hearing and also by not considering the reply given by the petitioner to the show cause notice, which is in clear violation to the principles of natural justice.

For Petitioner : Mr.S.Baskaran

For Respondent: Ms.Anu Ganesan
Junior Panel Counsel



ORDER

The present writ petition is filed challenging the impugned order dated 29.11.2024 on the short ground that the impugned order has been passed in gross violation of principles of natural justice inasmuch as petitioner's objections have not been considered nor any findings recorded with reference thereto.

2. It is the case of petitioner that impugned order is a common order, while describing role of petitioner viz., Zuber Ahmed, it has been narrated that he had assisted his brother Shri Farooq in forwarding documents related to importation process.

3. It was brought to the notice of this Court that the order, insofar as Shri Farooq is concerned, has already been set aside by this Court vide order dated 09.03.2026 on the premise that petitioner therein viz., Shri Farooq was not intimated of personal hearing fixed on 19.09.2024. It is also the case of the petitioner that he has not been intimated by the Officer who has passed impugned order of the personal hearing. Learned counsel for respondent would submit that the impugned order has been served on the following email ID- "zubpeer20@gmail.com", while learned counsel for petitioner would submit that he was not even aware of the above email ID. Learned Panel Counsel for



the respondent would point out that even in the statement recorded under Section 108 of the Customs Act, petitioner has in fact given his email ID as zubpeer20@gmail.com. She would thus submit that it is only in view thereof that impugned order came to be served on petitioner in the said email id.

4. To a pointed question as to whether the response of petitioner vide letter dated 20.12.2024 has been dealt with and to point out the passages/portions of order where the same has been dealt with, learned Junior Panel Counsel for respondent has not been able to establish that petitioner's objections have in fact been considered. This would show that there has been gross non-application of mind on the part of respondent to petitioner's response/reply and also in view of the fact that the order, insofar as Shri Farooq is concerned, has been remitted back, it would only be appropriate that this order also be remitted back for a fresh consideration as there are overlapping issues and they are interconnected.

5. In that view of the matter, this Court is inclined to dispose of writ petition with following directions:

i) Impugned order dated 29.11.2024 is set aside insofar as petitioner is concerned;

ii) Petitioner shall appear for personal hearing on 22.04.2026 at 11:30 am before respondent along with reply/response and documents, if any.



iii) In case for some reason, respondent authority is not available or unable to get along with hearing on 22.04.2026, respondent authority shall intimate petitioner of the next hearing date and petitioner shall appear before the respondent on the next hearing date.

iv) Insofar as service is concerned, notice of hearing shall be served on the following email/address viz., "baskaranlaw@yahoo.co.in".

v) The respondent authority shall proceed to pass orders, in accordance with law, after affording petitioner an opportunity of hearing.

6. Accordingly, writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06-04-2026

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

To
The Additional Commissioner of Customs,
SEZ & FTWZ, Adjudication-CHN-III,
O/o. The Principal Commissioner of Customs,
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MOHAMMED SHAFFIQ, J.

MRN

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