



WEB COPY

WP No. 4240 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 4240 of 2025
and WMP.Nos.4743 and 4745 of 2025**

Shri Farooq
S/o Shri Sajjad Pasha
37/38, Mariya Bhawan, 3rd Floor
Opposite St. George Hospital Fort,
Mumbai 400 001

..Petitioner(s)

Vs

The Additional Commissioner Of Customs
SEZ And FTWZ, Adjudication CHN – III
O/o The Principal Commissioner Of Customs
Chennai -preventive, Customs House
No 60, Rajaji Salai, Chennai 600 001

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, calling 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 (t) and (u) 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(s):

Mr.S.Baskaran

For Respondent(s):

M/S.Sai Srujan Tayi
Senior Standing Counsel

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ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorari, challenging the impugned order dated 29.11.2024 on the limited premise that while notice was issued and personal hearings were conducted by the Adjudicating Authority on 30.01.2024, 10.04.2024, and 19.04.2024, the petitioner had submitted his reply to the notice, however did not avail of the opportunities of personal hearing granted by the previous Adjudicating Authority. Due to general elections, the hearing was re-scheduled from 19.04.2024 to 22.04.2024. However, it is submitted that there was a change in the Adjudicating Authority. The present Adjudicating Authority, namely the respondent herein, had fixed personal hearing on 19.09.2024.

2. It is submitted by the learned counsel for the petitioner that even the fixation of personal hearing on 19.09.2024 was not duly intimated and therefore the petitioner was not able to appear for personal hearing. To a pointed question as to whether there was anything to indicate that the petitioner was in fact intimated of the personal hearing, which was fixed on 19.09.2024 by the respondent herein, the learned counsel for the respondent was not able to point



out any material.

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3. In that view of the matter, this Court is inclined to set aside the impugned order, insofar as the petitioner is concerned, with a direction to the respondent to redo the assessment afresh after affording an opportunity of hearing the petitioner.

4. To avoid any uncertainty, it is made clear that the petitioner would appear before the respondent herein on 02.04.2026 at 03.30 p.m., along with the reply and any other documents that the petitioner may want to rely upon. The respondent Authority shall thereafter pass appropriate orders in accordance with law. The petitioner shall not wait for any notice from the respondent Authority, and this direction shall be treated as notice.

5. Accordingly, this Writ Petition stands disposed of with the above direction. No Costs. Consequently, connected miscellaneous petitions are closed.

09-03-2026

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

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MOHAMMED SHAFFIQ, J.

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