



WEB COPY

WP No. 31832 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

**WP No. 31832 of 2025
and WMP.Nos.35644 & 35646 of 2025**

M/s.Pavithra Impex
Old No.36, New No.74, First Floor, Thambu
Chetty Street, Chennai-01. Rep. By Its G-card
Holder And Authorized Signatory Shri
S.Guruvayaurappan

..Petitioner(s)

Vs

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

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorari, calling for the records pertaining to the order in original No.114288/2025 dated 14.08.2025 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 construction.

For Petitioner(s): Mr.S.Baskaran

For Respondent(s): Mrs.Pooja Jain



ORDER

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This Writ Petition has been filed challenging the impugned order dated 14.08.2025 on the ground that it was made beyond the period stipulated under Regulation 17(7) of Customs Brokers Licensing Regulations, 2018 (hereinafter referred to as CBLR, 2018).

2. Before proceeding further, it may be relevant to note the following undisputed facts:

The Offence Report is dated 11.10.2024, which is stated to have been received on 28.10.2025. Thereafter, a Show Cause Notice came to be issued on 13.01.2025. The Inquiry Report dated 07.04.2025 was submitted on 09.04.2025. Petitioner submitted his representation on 28.05.2025 and thereafter, the impugned order came to be passed on 14.08.2025.

3. The limited ground on which the impugned order is challenged is that the same ought to have passed within a period of 90 days from the date of submission of Inquiry Report (i.e) 90 days from 09.04.2025, if not on 07.04.2025, in which event, it would expire on 06.07.2025 or 08.07.2025. However, the impugned order has been passed only on 14.08.2025 and thus beyond the period stipulated under Regulation 17(7) of CBLR, 2018.



4. To a pointed question as to whether there is any dispute on the above dates, learned counsel appearing for respondent would submit that there is no dispute with regard to the above dates.

5. When it was pointed out that this Court has already held that the timelines prescribed in Regulations 17(1) and 17(5) of CBLR, 2018, are mandatory and if there are any reasons to depart when it comes to the timelines stipulated under Regulation 17 of CBLR, 2018, learned counsel appearing for respondent would place reliance on the judgment of Kerala High Court in *M/s. Cargo Care International vs. Commissioner of Customs* dated 02.12.2024, wherein it was held that inasmuch as the consequences are not provided, the provision should be construed as directory. Importantly, the judgment of Kerala High Court was delivered in the context of Regulation 17(1) of CBLR, 2018.

6. As stated supra, this Court in a series of cases, while considering Regulation 17(1) of CBLR, 2018, has held that the timelines prescribed under the Regulations are mandatory. In the case of *Santon Shipping Services vs. The Commissioner of Customs*, reported in [2017 (10) TMI 621 (Mad)], this Court reiterated that the timelines prescribed under the Regulations are mandatory.



7. In that view of the matter, this Court is inclined to follow the judgement of the Division Bench of this Court. Accordingly, the impugned order dated 14.08.2025 is set aside as having been passed beyond the timelines prescribed under Regulation 17(7) of CBLR, 2018.

8. In the result, this Writ Petition stands allowed. No Costs.
Consequently, connected miscellaneous petitions are closed.

10-03-2026

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

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MOHAMMED SHAFFIQ, J.

ANU

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