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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CUSAA 88/2025, CM APPL. 37630/2025, CM APPL. 37631/2025
& CM APPL. 37632/2025**
**COMMISSIONER OF CUSTOMS AIRPORT AND
GENERAL NEW DELHI**Appellant

Through: Ms. Suhani Mathur & Mr. Jai Ahuja,
Adv. for Mr. Harpreet Singh, SSC.

versus

M/S UNICLEAR LOGISTICS INDIA PVT. LTD.Respondent

Through: Mr. Navneet Panwar, Ms. Suhani
Kundra, Mr. Saurabh Tyagi and Mr.
Upendra Yadav, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **02.07.2025**

1. This hearing has been done through hybrid mode.

CM APPL. 37630/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CM APPL. 37631/2025 (for delay) & CM APPL. 37632/2025 (for delay)

3. These are applications for condonation of delay in filing and re-filing of the appeal. For the reasons stated in the applications, the delay is condoned. Applications are disposed of.

CUSAA 88/2025

4. The present appeal has been filed by the Appellant- Commissioner of Customs (Airport & General), New Delhi under Section 130 of the Customs Act, 1962, *inter alia*, assailing the final order dated 2nd September, 2024 passed by the Customs Excise and Service Tax Appellate Tribunal



(hereinafter, 'CESTAT') in **Customs Appeal No. 50151/2024** (hereinafter, 'the impugned order').

5. *Vide* the impugned order, the CESTAT has set aside the Order-in-Original dated 27th October, 2023 (hereinafter, 'OIO') passed by the Office of the Commissioner of Customs (Airport and General).

6. While passing the impugned order, the CESTAT has come to the conclusion that the Show Cause Notice dated 11th May, 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.

7. 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 The Customs Broker License of the Respondent was revoked, along with imposition of penalty *vide* OIO dated 27th October, 2023. The operative portion of the said OIO reads as under:

"ORDER

In exercise of powers conferred in terms of Regulation 18 & 22 read with Regulation 20 (7) of CBLR, 2013,

(i) I revoke the CB Licence No. R-32/DEL/CUS/2012 (PAN: AABCU4448G) valid upto 10.05.2032 of M/s Uniclear Logistics Pvt. Ltd.;

(ii) I direct the CB to immediately surrender the Original CB License No. R- 32/DEL/CUS/2012 (PAN: AABCU4448G) valid upto 10.05.2032 along with all 'F/G/H' Cards issued there under;

(ii) I order for forfeiture of the whole amount of security deposit furnished by them;

(iii) I impose penalty of Rs. 50,000/- (Rupees Fifty Thousand only) on M/s Uniclear Logistics Pvt. Ltd. (PAN No. AABCU4448G) under regulation 22 of CBLR, 2013."



8. The said OIO has been set aside by the CESTAT, simply without discussing the facts and based upon a general observation.
9. Accordingly, issue notice. Notice is accepted by Mr. Navneet Panwar, Id. Counsel for Respondent.
10. Let a reply be filed within four weeks. Rejoinder thereto be filed within four weeks thereafter.
11. List before the Joint Registrar on 5th August, 2025 for completion of pleadings.
12. List before the Court on 8th October, 2025.
13. The impugned order shall remain stayed till the next date of hearing.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 2, 2025

dj/ss