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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CUSAA 4/2026 & CM APPL. 5341/2026, CM APPL. 5343/2026**
COMMISSIONER OF CUSTOMS- AIRPORT
AND GENERALAppellant

Through: Mr. Ajit Kumar Kalia, Sr. Standing
Counsel with Mr. Abhinav Kalia and
Mr. Devesh Khara, Advs.

versus

EVERSHINE SHIPPING CUSTOMS- C AND F.....Respondent
Through: Mr. Shekhar Vyas and Ms. Neha
Warrier, Advs.

CORAM:
HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE
HON'BLE MR. JUSTICE AJAY DIGPAUL

% **ORDER**
27.01.2026

CM APPL. 5342/2026 (exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CUSAA 4/2026

3. The question of law that the appellant intends to canvass before this Court is whether, under sub-section (3) of Section 129D of the Customs Act, 1962, an appeal against an order passed by the Commissioner refraining itself from exercising the power to cancel the licence, is maintainable before the Tribunal.



4. The fact remains that the proceedings preferred by the appellant is not part of the record. That being so, we defer the hearing as prayed for and permit the counsel for the appellant to place on record all relevant documents within a period of four weeks from today.
5. Re-notify on 01st April 2026.

NITIN WASUDEO SAMBRE, J

AJAY DIGPAUL, J

JANUARY 27, 2026/sky/as