

W.P.Nos.7998 and 8001 of 2025

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 25.04.2025

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THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.Nos.7998 and 8001 of 2025
and
W.M.P.Nos.8976 to 8979 of 2025

M/s.Pavithra Impex,
Chennai.

.. Petitioner in both WPs

Vs

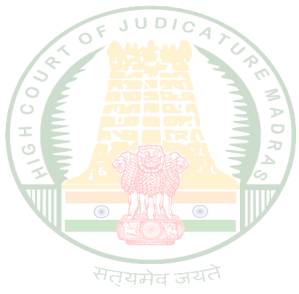
The Principal Commissioner of Customs (General),
No.60, Rajaji Salai, Custom House,
Chennai – 1.

.. Respondent in both WPs

For Petitioner : Mr.S.Baskaran

For Respondent : Ms.Pooja Jain, JPC

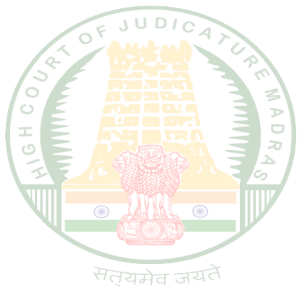
These writ petitions have been filed challenging the initial order of suspension dated 17.12.2024 and the consequential order dated 10.01.2025 continuing the earlier order of suspension dated 17.12.2024.



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2. The petitioner claims that the suspension order has been issued arbitrarily and not in accordance with the Customs Brokers Licensing Regulations, 2018 (CBLR). According to the petitioner, for an incident that is said to have happened at New Delhi in September, 2023, the petitioner's customs broking license has been suspended under the impugned order dated 17.12.2024. According to the petitioner, due to the long lapse of time between the date of the incident and the date of the suspension order, i.e., 14 months, the impugned suspension order dated 17.12.2024 as well as the consequential order dated 10.01.2025 are bad in law and are not in accordance with the Customs Brokers Licensing Regulations, 2018.

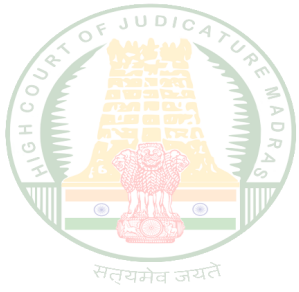
3. The learned counsel for the petitioner drew the attention of this Court to Regulation 16 of CBLR and would submit that as seen from the same, the Principal Commissioner or Commissioner of Customs may, in appropriate cases where immediate action is necessary, suspend the license of a Customs Broker where an enquiry against such Customs Broker is pending or contemplated.



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4. The learned counsel for the petitioner would submit that since the license granted to the petitioner has been suspended after a period of 14 months from the date of the alleged incident, the suspension order is not in accordance with Regulation 16 of CBLR, as it stipulates that in appropriate cases, only where immediate action is necessary, the license of a Customs Broker can be suspended. He also drew the attention of this Court to an order passed by this Court involving a similar issue in W.P.Nos.18815 and 18823 of 2023, dated 01.08.2024, and would submit that in similar circumstances, this Court had granted an order of interim stay in the above said writ petitions challenging the suspension order passed after a lapse of 8 months from the date of the alleged incident. The said writ petitions are also pending before this Court.

5. The learned counsel for the petitioner would submit that the petitioner has been cooperating with the enquiry pursuant to the impugned orders. However, the same is disputed by the learned standing counsel for the respondent. A counter affidavit has been filed by the respondent. The learned standing counsel for the respondent opposed the grant of interim stay.



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6. However, since these matters require further consideration and since due to paucity of time on account of ensuing vacation, this Court is unable to spend more time in these writ petitions. As seen from the observations made by this Court in the preceding paragraphs, since a prima-facie case has been made out, this Court is inclined to grant an order of interim stay and accordingly, there shall be an order of interim stay of the impugned orders. However, it is made clear that the petitioner shall cooperate with the enquiry conducted by the respondent pursuant to the impugned orders and in case, the petitioner fails to cooperate, the respondent is at liberty to once again revive the suspension orders passed against the petitioner suspending the customs broking license of the petitioner.

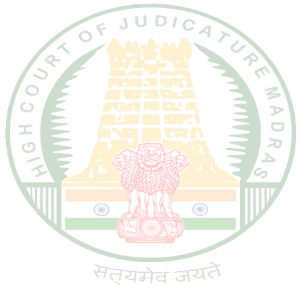
Post the main writ petitions for arguments on 13.06.2025.

25.04.2025

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To
The Principal Commissioner of Customs (General),
No.60, Rajaji Salai, Custom House,
Chennai – 1.

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ABDUL QUDDHOSE,J.

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