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WP No. 28408 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 28408 of 2025

and

W.M.P.No.31822 of 2025

M/s.Lotus International Services
Cb License No.R/613/2018 Cha, Pan Afzzpk7264c,
No.24, 1st Floor Narayana Sarang Garden Street,
Chennai-600 001

..Petitioner(s)

Vs

The Commissioner Of Customs
(general) And Licensing Authority, Chennai
Customs Viii Commissionerate, Custom House, 60
Rajaji Salai, Chennai-600 001

..Respondent(s)

to call for the records connected with Order in original
No.113536/2025 dated 13.06.2025 passed by the respondent herein and to
quash the same for having been passed without jurisdiction, contrary to law and
in gross violation to the principles of natural justice.

For Petitioner(s): Mr.N.VISWANATHAN

For Respondent(s): MR SAI SRUJAN TAYI
SENIOR STANDING COUNSEL
FOR RESPONDENT



ORDER

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This writ petition has been filed challenging the impugned order-in-original dated 13.06.2025, through which, the customs broker license issued to the petitioner has been revoked.

2. The petitioner categorically contends that they have not violated any of the provisions of the Customs Brokers Licensing Regulations, 2018 (in short “CBLR”). The petitioner is only a customs broker and they claim that only based on the instructions received from the importer, the petitioner had declared the classification under the Customs Tariff Act. According to the petitioner, there was no misdeclaration on their part.

3. The learned counsel for the petitioner submits that earlier, the petitioner was implicated under the same set of facts, which are the subject matter of the impugned order-in-original dated 13.06.2025. But, the respondent had dropped the said proceedings against the petitioner. The order passed by the respondent dropping the proceedings has also been filed as a document along with this writ petition.



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4. The learned counsel for the petitioner drew the attention of this Court to the circular issued by the Customs Department and would submit that as seen from the said circular, necessarily, the customs broker should not be implicated for the alleged violation committed by the importer under the Customs Act. He further submits that the procedure contemplated under the CBLR has also not been followed by the respondent while passing the impugned order-in-original. He also relies upon the order passed by this Court on 21.03.2025 in W.P.Nos.577 and 581 of 2025 and would submit that CBLR is mandatory in nature and therefore, the same will have to be strictly followed by the respondent.

5. Since a prima-facie case has been made out by the petitioner, this Court is inclined to grant interim stay and accordingly, there shall be an order of interim stay of the operation of the impugned order-in-original dated 13.06.2025 until further orders.

Mr.Sai Srujan Tayi, learned senior standing counsel, accepts notice on behalf of the respondent, and he seeks time to file counter affidavit. Post the matter for counter and disposal on 03.09.2025.

01-08-2025

RKM

Note to Office:

Upload order copy on or before 04.08.2025



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ABDUL QUDDHOSE, J.

RKM

To

The Commissioner Of Customs
(general) And Licensing Authority, Chennai
Customs Viii Commissionerate, Custom House, 60
Rajaji Salai, Chennai-600 001

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