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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE.

WPO/455/2024

SUBHAS CHAND

VS

THE COMMISSIONER OF CUSTOMS (PORT), KOLKATA AND ANR.

BEFORE

THE HON'BLE JUSTICE RAJA BASU CHOWDHURY

Date: 10th September, 2024

Appearance :

Mr. Shovendu Banerjee, Adv.

Mr. Soumyajit Mishra, Adv., Adv.

...for petitioner

Mr. Kaushik Dey, Adv.

Mr. Tapan Bhanja, Adv.

....for customs authority

Mr. Smarajit Rouchoudhury, Adv.

Mr. Manabendranath Bandopadhyay, Adv.

...for UOI

The Court: 1. Challenging, inter alia, an order in original dated 29th February, 2024 passed by the respondent no.1 which was issued on 4th March, 2024, the present writ petition has been filed.

2 The petitioner complains violation of principle of natural justice. According to the petitioner, although initially the respondent did not supply the petitioner with the copies of documents relied on with the show cause notice dated 9th April, 2010, however, subsequently when the same was supplied to the petitioner under cover of a letter dated 29th March, 2023, in compact disc format, inspection of the physical copy of the documents was not offered. In support of the aforesaid contention, reliance is placed on the letter dated 24th April, 2023 issued by the petitioner's Advocate.

3. Mr. Dey, learned Advocate appearing on behalf of the respondent-customs authority submits that an opportunity should be granted to his client to file affidavit-in-opposition.

4. Having regard thereto and considering that a prima facie case as has been made out by the petitioner as regards the violation of principle of natural justice, I am of the view that the petitioner should be afforded limited protection. Accordingly, there shall be an order restraining the respondents to proceed further against the petitioner on the basis of the order in original dated 29th February, 2024 passed by the respondent no.1 which was issued on 4th March, 2024, till the end of March, 2025 or until further order whichever is earlier.

5. Let affidavit-in-opposition to the present writ petition be filed within four weeks after annual vacation; reply thereto, if any, be filed within three weeks thereafter. List the matter under the heading "For Hearing" immediately after expiry of the aforesaid period.

(RAJA BASU CHOWDHURY, J.)

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