

OD-03

WPO/661/2025
THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

Ravi Chandra Mishra
Versus
Union of India & Anr.

Before:

The Hon'ble JUSTICE RAJA BASU CHOWDHURY

Date: 22nd September 2025

Appearance:

Mr. Farook M. Razack, Sr. Advocate

Mr. Jaydeb Ghorai, Advocate

Mr. Shubail Farook, Advocate

Mr. Diptesh Ghorai, Advocate

for the petitioner

Mr. Kaushik Dey, Advocate

Ms. Ekta Sinha, Advocate

for the respondent

Mr. Amit Sharma, Advocate

Mr. Abhishek Kr. Agrahari, Advocate

for the UOI

The Court: 1. The present writ petition has been confined to the issue of non-compliance of principles of natural justice. The petitioner is aggrieved by the order in original dated 28th/29th May 2025 passed by the respondent no.2.

2. Mr. Razack, learned senior advocate representing the petitioner has drawn attention of this Court to the letter dated 1st May 2025 issued by the Deputy Commissioner of Customs and would submit that by such letter the petitioner was supplied with legible copies of the documents and as such it was only expected that an opportunity of hearing would be

afforded to the petitioner. He submits that although the petitioner had specifically requested the respondents to afford the petitioner with an opportunity of hearing, without affording such opportunity the order in original has been passed.

3. Mr. Dey, learned advocate appears on behalf of the respondents. He would submit that in the instant case the petitioner was repeatedly afforded with copies of the relied on documents as and when sought for. The aforesaid letter dated 1st May 2025 issued by the Deputy Commissioner of Customs is only clarificatory in nature. He is, however, not aware as to whether any further opportunity was granted to the petitioner post 1st May 2025.

4. Having heard the learned advocates representing the respective parties, I am of the view that the respondent no.2 should take appropriate instruction in the matter on or before the matter is taken up. The point of maintainability as raised by the respondent no.2 is kept open to be decided at the time of final hearing. On the issue as to whether any coercive steps could be taken against the petitioner, Mr. Dey submits that the proceedings for taking coercive steps are yet to be undertaken. Having regard thereto, no interim order is necessary at this stage. Liberty is granted to the parties to apply, if any occasion so arises.

5. List this matter for further consideration under the same heading in the monthly list of November, 2025.

(RAJA BASU CHOWDHURY, J.)