

OD-9

ORDER SHEET

WPO/661/2025
IA No.GA/1/2026
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

RAVI CHANDRA MISHRA
VS.
UNION OF INDIA AND ANR.

BEFORE:
The Hon'ble JUSTICE OM NARAYAN RAI
Date: February 26, 2026.

Mr. Farook M Razack, Sr. Adv., Mr. Jaydeb Ghorai, Mr.
Shubail Farook, Mr. Saugata Banerjee, Advocates for the petitioner.

Mr. Kaushik Dey, Ms. Ekta Sinha, Advocates for the
customs authorities.
Mr. Amit Sharma, Mr. Abhishek Kr. Agrahari, Advocates for Union of India.

The Court : This writ petition assails an adjudication order dated May 28, 2025 passed by the Principal Commissioner of Customs (Port).

Mr. Razack, learned Senior Advocate appearing for the petitioner submits that the order impugned has been passed in abject violation of principles of natural justice. It is submitted that the petitioner had been provided with illegible documents and despite repeated requests being made, the legible copies of the relevant documents were not provided to the petitioner.

It is next submitted that statements of witnesses have been relied on by the adjudicating authority without affording an opportunity of cross-examining those witnesses to the petitioner. He further submits that voice mails of certain persons have been relied on by the adjudicating authority in

passing the order impugned but such voice mails have not been made over to the petitioner for the purpose of assessing the worth thereof.

Mr. Razack further submits that despite repeated requests by the petitioner for affording an opportunity of hearing to him, the order was passed without hearing the petitioner. It is submitted that before the adjudicating authority reached the final conclusion on May 28, 2025, a request was made by the petitioner on February 5, 2025 for affording an opportunity of hearing to the petitioner but such request was wished away.

He submits that although an opportunity was granted to Mr. Dey by this Court as far back as on September 22, 2025 to take specific instructions in the matter on or before the matter was scheduled to be taken up next but while on the one hand the respondent customs authorities have remained lax in providing appropriate instructions to the learned Advocate representing them in Court, on the other hand they have proceeded to enforce the impugned order in original by issuing a notice of demand dated February 10, 2026 giving the petitioner a 15 days window to pay up the sum in demand in terms of the said notice.

Mr. Dey, learned Advocate appearing for the customs authorities submits that he would be able to demonstrate before the Court that principles of natural justice have been observed in fullness. It is submitted that it will be apparent from the records that the petitioner's prayer for cross-examination of the witnesses was appropriately considered by the respondent customs authorities and that all relevant materials were supplied to the petitioner. He further seeks one more opportunity to take appropriate instructions and make appropriate submissions.

Mr. Razack, learned Senior Advocate appearing for the petitioner

seriously opposes the prayer for adjournment made by Mr. Dey. It is submitted that the petitioner's stakes are very high and in view of a threatening notice having been issued by the respondent customs authorities, an interim order should be passed in the matter.

Considering the urgency involved in the matter and taking note of the fact that opportunity had been granted to the respondent customs authorities on September 22, 2025 to take appropriate instructions, one last opportunity is being granted to Mr. Dey to take appropriate instructions and make submissions on March 2, 2026 when the matter shall appear next. It is clarified that the application for interim order has not been dealt with as yet and shall be heard on March 2, 2026 by which time it is expected that Mr. Dey shall be provided with appropriate instructions.

(OM NARAYAN RAI, J.)