
(2018) 05 CAL CK 0019
In the Calcutta High Court
Case No : W.P. No.126 of 2018

AMAN EXPORTS & ORS.

APPELLANT

Vs

UNION OF INDIA & ORS.

RESPONDENT

Date of Decision : 17-05-2018

Acts Referred:

Foreign Trade (Development & Regulation) Act, 1992 — Section 8
Customs Act, 1962 — Section 110A

Citation : (2018) 05 CAL CK 0019

Hon'ble Judges : TAPABRATA CHAKRABORTY J

Bench : Single Bench

Advocate : Mainak Bose, Shakeel Mohammed Akhtar, Robi Prosad Mookherjee, Debjani Roy

Final Decision : Disposed Off

Judgement

The present writ petition has been preferred challenging inter alia an order dated 9th November, 2017 passed by the respondent no.3.

Mr. Bose, learned Advocate appearing for the petitioner, submits that the impugned order has not been passed in strict consonance with the provisions

of Section 8 of the Foreign Trade (Development & Regulation) Act, 1992 inasmuch as he was not informed by a notice. The grounds on which it is

proposed to suspend he was also not given a reasonable opportunity of making a representation in writing and from being heard and as such, the

impugned order is not sustainable in law.

Mr. Mookherjee, learned Advocate appearing for the respondents, submits that steps have been taken in terms of a Memo. dated 26th October, 2017

issued by the Additional Director General of the Directorate of Revenue Intelligence. A copy of the said order, produced in Court today, is kept with

the records.

Mr. Bose, in reply, submits that the petitioner submitted a representation to the Commissioner of Customs (Port) seeking provisional release of the

consignment of electronic and electrical goods under Section 110A of the Customs Act, 1962. Such prayer was refused by an order dated 8th

December, 2017. Challenging the same a statutory appeal has been preferred and the same was allowed by an order dated 2nd January, 2018.

The contention of Mr. Bose that the impugned order dated 9th November, 2017 was passed without a prior notice and without granting an opportunity

of making a representation, could not be disputed by Mr. Mookherjee. On the limited ground of non-issuance of a prior notice and denial of an

opportunity of making a representation as provided for under Section 8 of the said Act of 1992, the impugned order is set aside.

Accordingly, the respondent no.3 shall issue a fresh order upon complying with the provisions of Section 8 of the said Act of 1992 and to communicate

the same to the petitioner. With the above observation the writ petition being W.P. No. 126 of 2018 is disposed of.