

02.03.2022.
p.b.
Sl. No.24.

W.P.A. 3180 of 2022

(Through Video Conference)

Shri Dharanidhar Ghosh

Vs.

Union of India & Anr.

Mr. Arijit Chakrabarti,
Mr. Nilotpal Chowdhury,
Mr. Prabir Bera.

.....for the petitioner.

Mr. Somnath Ganguli,
Mr. Sukalpa Seal.

.....for the respondent no.2.

Mr. Amal Kumar Datta.

.....for the UOI.

In this matter, petitioner has challenged the impugned order dated 28th January, 2022 passed by the respondent Commissioner of Customs in the case of the petitioner imposing several punishments including Punishment No.V, imposing a penalty of Rs.1 crore under Section 112 (b) of the Customs Act on account of some past offences without initiating any proceeding and any adjudication order which is something unheard of and how an authority like a Commissioner can pass such order and it shows total non-application of mind on his part since impugned order of punishment on the aforesaid offence is not a part of subject matter of the impugned

adjudication proceeding. In the facts and in the circumstances of the case, I am inclined to hold that the aforesaid impugned order to this extent is bad, in total non-application of mind and on the face of it, is not sustainable in law and accordingly, this part of the punishment order imposing penalty for alleged past offence without any enquiry and adjudication, is set aside.

Learned advocate appearing on behalf of the petitioner submits that petitioner may file statutory appeal against the rest part of the order in accordance with law and considering his such prayer, no order is passed on all other punishments in the impugned adjudication order and petitioner will be at liberty to file such statutory appeal.

With this observation and direction, this writ petition being WPA No.3180 of 2022 is disposed of.

(Md. Nizamuddin, J.)