
K. Srinivasulu Vs Commissioner Of Customs

Writ Petition Nos. 28041 and 28042 of 2016 and WMP. Nos. 24193 and 24194 of 2016

Court: MADRAS HIGH COURT

Date of Decision: Aug. 30, 2016

Citation: (2017) 345 ELT 477

Hon'ble Judges: T.S. Sivagnanam, J.

Bench: Single Bench

Advocate: Shri T. Chezhiyan, Counsel, for the Petitioner; Shri Rajkumar Jhabak, Senior Panel Counsel, for the Respondent

Final Decision: Disposed Off

Judgement

@JUDGMENTTAG-ORDER

T.S. Sivagnanam, J.â€"Heard Mr. T. Chezhiyan, learned counsel appearing for the petitioner and Mr. Rajkumar Jhabak, learned Standing

Counsel appearing for the respondent Department.

2. The petitioner has challenged an Order dated 7-7-2015 by which the petitioner's request for cross-examination was rejected. The adjudication

proceedings is pursuant to a show cause notice dated 5-11-2014 and in the said show cause notice there are seven noticees and the petitioners

are Noticees No. 7 & 2 respectively. Earlier three other noticees namely, Noticees 3, 4 & 5 had filed writ petitions before this court in W.P. Nos.

23984 to 23986/2015 [2016 (340) E.L.T. 308 (Mad.)] challenging an identical order rejecting permission to cross-examine the three persons. In

the said writ petitions, the noticees did not file any reply to the show cause notice and this court allowed the writ petitions by a common order

dated 27-6-2016 directing the petitioners therein to submit a reply to the show cause notice after which, an opportunity of personal hearing was

directed to be granted, in which the petitioner could request the respondents to provide an opportunity to cross-examine all those persons from

whom statements have been recorded, in the event the respondent proposes to rely upon those statements during the adjudication of the show

cause notices.

3. It is submitted that the petitioner"s have filed their reply to the show cause notice on 2-6-2015, in which they have made a representation for

grant of opportunity for cross-examination.

4. In the light of the above facts and taking into consideration the earlier order passed by this court, the writ petition is allowed, and the impugned

order is quashed and the respondent is directed to afford an opportunity of personal hearing, during which the petitioners can make a request to

the respondent to provide an opportunity to cross-examine Mr. J. Thiyagarajan and G. Venkatesh of M/s. Surana Corporation, who are in fact

petitioners in the earlier writ petition, in the event, the respondent proposes to rely upon the statement recorded by them during the adjudication of

show cause notice.

5. The above writ petitions are allowed with the above directions. Consequently, connected miscellaneous petitions are also closed. No costs.