

**(2014) 07 MAD CK 0282**

**Madras High Court**

**Case No:** Writ Petition No. 18911 of 2014 and M.P. No. 1 of 2014

La Freight Lift Pvt. Ltd.

APPELLANT

Vs

CESTAT

RESPONDENT

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**Date of Decision:** July 17, 2014

**Acts Referred:**

- Customs Act, 1962 - Section 129(A)

**Citation:** (2014) 310 ELT 716

**Hon'ble Judges:** M. Sathyanarayanan, J

**Bench:** Single Bench

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### **Judgement**

@JUDGMENTTAG-ORDER

M. Sathyanarayanan, J.

By consent the main writ petition itself is taken up for final disposal. In the affidavit filed in support of this writ petition it is averred that the petitioner was served with an order of suspension, dated 17-4-2014, by the second respondent, suspending the operation of Customs Broker License, under Regulation 19(1) of Customs Brokers Licensing Regulations, 2013 (hereinafter referred to as "CBLR, 2013" in short) and thereafter, an opportunity of personal hearing was granted to the petitioner and the representative of the petitioner has also attended the personal hearing and submitted a written submission. The second respondent, vide Order-in-Original, dated 20-5-2014, has ordered for the continuation of suspension, in exercise of powers under Regulation 19(2) of the CBLR, 2013. Thereafter, the second respondent has issued a show cause notice, under Regulation 18 of the CBLR, 2013, read with Regulation 20 of the CBLR, 2013, calling upon the petitioner to show cause as to why the license granted to them shall not be revoked and the security deposit should not be forfeited or penalty should not be imposed. The second respondent has also nominated an Inquiry Officer, by a communication dated 3-6-2014. The petitioner, aggrieved by the findings rendered by the second respondent in suspending the operation of Customs Broker License, under Regulation 19 of the

CBLR, 2013, filed separate appeal before the first respondent, under Section 129(A) of the Customs Act, along with an application for stay and an application for early hearing, which have been numbered as C/No. 41595/2014, C/S/No. 41856/2014 and C/EH/No. 41857/14 respectively. The petitioner would further state that as per the practise adopted by the first respondent Tribunal the appeal along with the interim applications will be listed only in the month of October at the earliest, as the same is based on a system of seniority and since the petitioner is aggrieved by the act of suspension, which is affecting the livelihood of the employees, prays for early hearing of the appeal by the Tribunal, by filing this writ petition.

2. Heard the learned counsel for the petitioner, who would submit that it would be suffice to direct the first respondent Tribunal to consider the application for stay at an early date and pass appropriate orders.

3. This Court, on the said submissions, heard the submissions of Mr. T. Chandrasekaran, the learned Standing Counsel appearing for the second respondent.

4. Though the petitioner prayed for the relief of directing the first respondent Tribunal to dispose of the appeal itself, this Court, taking into consideration of the fact that very many appeals are pending, is of the view that it is suffice to direct the first respondent Tribunal to take up the application for stay first and pass appropriate orders. In the result, the writ petition is disposed of by directing the first respondent, namely, Customs, Excise and Service Tax Appellate Tribunal, to take up the stay application of the petitioner and dispose of the same in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.