

**(2006) 03 BOM CK 0143**

**Bombay High Court**

**Case No:** Customs Appeal No. 7 of 2006

Commissioner of Customs  
(General)

APPELLANT

Vs

S.S. Clearing and Forwarding  
Agency

RESPONDENT

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**Date of Decision:** March 8, 2006

**Citation:** (2006) 198 ELT 332

**Hon'ble Judges:** R.M. Lodha, J; J.P. Devadhar, J

**Bench:** Division Bench

**Advocate:** Vijay Kantharia, instructed by T.C. Kaushik, for the Appellant; S.N. Kantawala and Jogesh Rohira, for the Respondent

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### **Judgement**

@JUDGMENTTAG-ORDER

1. The learned Counsel for the appellant and Mr. S.N. Kantawala, the learned Counsel for the Respondent.

2. The following substantial questions of law arise in this appeal:

(a) Whether for initiating inquiry proceedings under the provisions of the Customs House Agents, Licensing Regulations, 1984 against Customs House Agent, is it necessary or precondition to initiate action against the custom house agent under the provisions of Customs Act, 1962?

(b) Whether the inquiry proceedings under the Customs House Agents Licensing Regulations, 1984 are independent and distinct from any other penal action or any other proceedings under the provisions of Customs Act, 1961?

3. Admit.