

Commissioner Of Customs (Airport & ... vs Hlpl Global Logistics Pvt. Ltd on 26 May, 2023

Author: Vibhu Bakhru

Bench: Vibhu Bakhru

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IN THE HIGH COURT OF DELHI AT NEW DELHI
CUSAA 224/2019
COMMISSIONER
GENERAL)

Thr

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HLPL GLOBAL LOGISTICS PVT. LTD.

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CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORD

% 26.05.2023

1. The respondent has filed the present application seeking recall of the order dated 16.10.2019, whereby the order dated 01.02.2019, passed by the learned Customs Excise and Service Tax Appellate Tribunal (hereafter 'the CESTAT'), was stayed.

2. Learned counsel for the applicant / respondent submits that he had succeeded before the learned Tribunal. The Tribunal held that the procedure as prescribed under the Customs Brokers Licensing Regulations, 2013 had not been complied with.

3. He states that by virtue of the said order, the respondent's licence was restored and he was operating under the same at the material time. However, pursuant to the order dated 16.10.2019, passed by this Court, the status quo ante was restored and the respondent's licence stood revoked. He submits that the licence in any way expired on 31.10.2022. However, the same has not This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 25/09/2023 at 08:54:37 been renewed on account of the stay order. He also points out that as of yet, the question of law, required to be answered, has not been framed.

4. It is also pointed out that the Coordinate Bench of this Court by an order dated 12.10.2022, passed in a connected matter (Commissioner of Customs, New Delhi Vs. Alok Mehra:

CUSAA 10/2021), vacated the interim order as the licence of the customs broker had been renewed and the same was not brought to the notice of the Court.

5. The copy of impugned order filed along-with this appeal is not complete.

6. It is seen that page containing para no. 24, which sets out the reasons that persuaded the learned CESTAT to allow the respondent's appeal, has not been placed on record. It also prima facie appears that it is founded on certain findings of facts, that may not be assailable in these proceedings.

7. There is merit in the contention of the applicant that the order dated 16.10.2019 was passed without examining the reasons which were not placed before the Court on account of the impugned order being incomplete.

8. Mr. Singla, learned counsel appearing for the appellant seeks time to place the complete copy of the impugned order on record.

9. In view of the above, we consider it apposite to allow the present application. The interim order dated 16.10.2019 is vacated.

10. It is clarified that the pendency of the present appeal will not influence the decision of the appellant in considering the respondent's application for renewal of licence. However, any renewal shall be subject to the outcome of the present appeal.

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11. Mr. Singla shall place on record the complete copy of the impugned order.

12. List for hearing on 06.09.2023.

VIBHU BAKHRU, J AMIT MAHAJAN, J MAY 26, 2023 "SK"

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