

IN THE HIGH COURT OF DELHI AT NEW DELHI

**SUBJECT : Custom House Agents Licensing
Regulations, 2004**

Judgment delivered on : 05.12.2008

WP(C) 8655/2008

M/S TKW MANAGEMENT SOLUTIONS

.....PETITIONER

-versus-

COMMISSIONER OF CUSTOMS

...RESPONDENT

Advocates who appeared in this case:

For the Petitioner : Mr Pradeep Jain and Mr Hari H Guin

For the Respondent : Mr Ashwani Bhardwaj

CORAM :-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

HON'BLE MR JUSTICE RAJIV SHAKDHER

BADAR DURREZ AHMED, J (ORAL)

CM 16619/2008

Allowed subject to all just exceptions.

CM stands disposed of.

WP(C) 8655/2008 and CM 16618/2008 (for stay)

We have heard the learned counsel for the petitioner as well as the counsel for the respondent who appeared on advance notice. The petitioner is aggrieved by the order dated 28.11.2008 whereby his Custom House Agents Licence has been suspended invoking Regulation 20(2) of Custom House

Agents Licensing Regulations, 2004 We have also taken note of the decision of this Court in the case of International Cargo Services vs Union of India: 2006 (193) ELT 546 (Del.). In that decision it has been pointed out that where the emergency provisions of the said regulations are invoked and the Custom House Agent has not been given an opportunity of being heard prior to the suspension of his licence, such agent has to be given an immediate post-decisional hearing. We feel that this would be an appropriate course to follow in the present case also. Consequently, we dispose of this writ petition with a direction that a post-decisional hearing shall be given to the petitioner within seven days and the order be passed within ten days. In case the petitioner is still aggrieved by the order, it shall be open to him to take recourse to such remedies as may be available to him under law. This writ petition as well as all applications stand disposed of. Dasti under the signatures of court master.

Sd/-
BADAR DURREZ AHMED, J

Sd/-
RAJIV SHAKDHER, J