

**CUSTOMS, EXCISE AND SERVICE TAX APPELLATE
TRIBUNAL, CHENNAI**

REGIONAL BENCH – COURT NO. III

Customs Appeal No.42407 of 2018 - DB

(Arising out of Order F.No.R-416/2017, dated 10.09.2018 passed by the Commissioner of Customs, Chennai)

**M/s. Transaeromarine Imex
Solutions Pvt. Ltd.**

: Appellant

No.63, 3rd Floor, Om Shri Sai Ram Plaza,
No.75, Thambu Chetty Street,
Mannday, Chennai – 600 001.

VERSUS

Commissioner of Customs,
Chennai VIII Commissionerate,
Customs House,
No.60, Rajaji Salai,
Chennai – 600 001.

: Respondent

APPEARANCE:

Shri G. Derrick Sam, Advocate for the Appellant

Shri M. Jagan Babu, Authorized Representative for the Respondent

CORAM:

**HON'BLE SMT. SULEKHA BEEVI C.S, MEMBER (JUDICIAL)
HON'BLE SHRI ANIL G. SHAKKARWAR, MEMBER (TECHNICAL)**

FINAL ORDER NO. 40229/2020

DATE OF HEARING: 30.01.2020

DATE OF DECISION: 30.01.2020

Per Smt. Sulekha Beevi C.S:

On behalf of the appellant, the learned counsel Shri G. Derrick Sam appeared and argued the matter. The department was represented by learned Authorised Representative Shri M. Jagan Babu, AC (AR).

2. After hearing both sides, we find that the appeal is filed against the order passed by the department dated 10.09.2018 for continuing

the suspension of CHA licence, which was issued under Regulation 16 of the CBLR, 2018. The appellant was issued a show-cause notice dated 05.11.2018. FR R-416/2017 proposing to revoke the licence. Against such show-cause notice, the appellant file Writ PetitionNo.67755 of 2019. Meanwhile, the Tribunal had dismissed the stay application filed by the appellant in the present appeal against which, the appellant moved CMA No.4335 of 2019. The Hon'ble High Court set aside the order passed in stay application by the Tribunal and remanded the matter for fresh consideration by the Tribunal. It is now brought to our notice that the Hon'ble High Court in Writ Petition No.6755 of 2019 filed by the appellant has set aside the show-cause notice dated 05.11.2018 issued by department as part of the proceedings which were initiated by issuing the impugned suspension order. Since the show-cause notice issued proposing to revoke the licence is set aside by the Hon'ble High Court, we find that the order of suspension which is issued as an immediate order will have no legs to stand. Hence, the order proposing suspension is set aside and the appeal is allowed with consequential reliefs, if any.

(Dictated and pronounced in the open court)

(SULEKHA BEEVI C.S.)
MEMBER (JUDICIAL)

(ANIL G. SHAKKARWAR)
MEMBER (TECHNICAL)