

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

REGIONAL BENCH – COURT No. III

Customs Appeal No. 40972 of 2015

(Arising out of Order F.No.R-698/CHA-Case File dated 17.02.2015 passed by Commissioner of Customs, No. 60, Rajaji Salai, Custom House, Chennai – 600 006)

M/s. Master Cargo Services

New No. 23, Old No. 11,
Vepery High Road, Al-Mamoor,
2nd Floor, Periamet,
Chennai – 600 003.

...Appellant

Versus

Commissioner of Customs

Chennai VIII Commissionerate,
No. 60, Custom House,
Rajaji Salai – 600 001.

...Respondent

APPEARANCE:

For the Appellant : Mr. S. Murugappan, Advocate

For the Respondent : Mr. Anoop Singh, Authorised Representative

CORAM:

HON'BLE MR. P. DINESHA, MEMBER (JUDICIAL)

HON'BLE MR. M. AJITKUMAR, MEMBER (TECHNICAL)

FINAL ORDER No. 40754 / 2025

DATE OF HEARING : 18.03.2025

DATE OF DECISION: 22.07.2025

Per Mr. P. DINESHA

This Appeal is filed by Customs House Agent challenging suspension of its CHA license. We do not find any dispute as regards facts are concerned and hence, the only short issue involved is, "whether the order suspending license of the Appellant is in order"?

2. Sri Murugappan, Ld. Advocate appeared for the Appellants and Sri Anoop Singh, Ld. Joint Commissioner argued for the Respondent.

3. Admittedly, against the suspension of license order, the CHA filed WP before the HHC, not happy with the order of Ld. Single Judge, they filed WA; pending WA, they also filed statutory appeal before us with a prayer to set aside the order dated 17.02.2015 which, in fact, was challenged in the above WA although on different ground/s.

4. We note that by the order dated 06.06.2012, Commissioner of Customs (Import) ordered the suspension of license of the CHA and the pleadings as recorded by the HHC in its order dated 19.1.2015 is worth reproducing. The same reads thus:

".....they have been issued with a Custom House Agents License. The said license was valid up to 30.11.2014, which was issued under the provisions of Custom House Agents Licensing Regulations 2004 framed in terms of Section 146 of Customs Act, 1962. The petitioner has stated that for the unfair instances, the petitioner cannot be held responsible. Regulation 22 of the Customs House License Regulation, 2004, hereinafter called CHALR, 2004 dated 11.05.2012 was passed by the 1st respondent suspending license of the petitioner's firm with immediate effect and post to the petitioner's firm on decisional hearing WAB given 23.05.2012. The petitioner submitted that he has given representation and prayed for revocation of the suspension order, after conducting enquiry as provided under Regulation CHALR, 2004. The petitioner has submitted that as the period of license was to expire on 30.11.2014, he made an application along with all required documents for renewal of license on 17.10.2014. Subsequent to the hearing, through an order-in-original No.18899/2012 dated 06.06.2012, the 1st respondent confirmed the

suspension of the license in terms of regulation 20 (2) of CHALR 2004 and ordered that suspension be continued. By an order dated 21.10.2014, CESTAT set aside the order of suspension issued by the 1st respondent. Thereafter, the petitioner received a letter dated 13.11.2014 from the 2nd respondent pointing out that the 3rd respondent, Assistant Commissioner of Customs has been nominated as enquiry officer and the request of renewal of the license will be subject to the outcome of the enquiry proceedings. The petitioner's firm received another communication dated 17.11.2014 from the 2nd respondent to get along with the enquiry on 25.11.2014...."

The HHC felt it proper to pass the following order:

"...

13. In the result, the Writ Petitions are disposed of by directing the respondents/authority concerned to consider the case of the petitioner with regard to grant of license on the application dated 17.10.2014 which is pending before them and pass orders within a period of three weeks from the date of receipt of copy of the order. This Court makes it very clear that the petitioner shall co-operate with the enquiry on the notice dated 17.11.2014, which has received and stayed by this Court."

5. It is a matter of record that the proper officer has *vide* order dated 17.02.2015 passed an order after noting that the appellant did not honour the directions of the HHC nor did it appear on the appointed date and thus, rejected the application of renewal of license. The said authority has also noted that the appellant did not cooperate with the enquiry proceedings as well.

6. It appears that the appellant not accepting the above order of the HHC filed a Writ Appeal in No. 295 of 2015; the HHC *vide* judgment dated 19.02.2020 having not found anything wrong in the order of Ld. Single judge, however, gave a *lifer* to the CHA to appear before the authorities

concerned on 10.03.2020 without awaiting for any hearing notice; and the authority shall pass its reasoned order on merits after hearing, in accordance with law within a period of two weeks thereafter. The other strange aspect we note is that there is no admission anywhere by the appellant, in its writ appeal proceedings, as to the challenge to the order of commissioner refusing to renew the license before this bench, which was filed vide ack dated 15.05.2015 and therefore, the HHC has not interfered with the order dated 17.02.2015. This is perhaps for the reason of not bringing to the notice of the HHC about the same, otherwise, the HHC would not have directed the appellant to appear before the authority without notice. So, our understanding is that as on that, the order dated 17.02.2015 has remained unchallenged and thus the CHA's application for renewal of license stands rejected.

7. Till the date of hearing before us, the Appellant-CHA through its counsel has not made available before us as to the outcome of the proceedings on the appointed day as directed by the HHC and in any case, whatever has happened is a subsequent development which may have an independent cause of action and hence, we are of the view that this appeal cannot survive especially in the light of the judgement of HHC in WA and the order rejecting renewal of license having become final.

8. The Appeal is therefore dismissed as discussed above.

(Order pronounced in open court on 22.07.2025)

Sd/-
(M. AJITKUMAR)
MEMBER (TECHNICAL)

Sd/-
(P. DINESHA)
MEMBER (JUDICIAL)