

Date of hearing/decision: 16.07.2018

M/s Mega Logistic Appellant

CC(G), New Delhi

Ms. Reena Rawat, Advocate for the appellant
Sh.R. K. Manjhi, AR for the Respondent

Hon'ble Mr. V. Padmanabhan, Member (Technical)
Hon'ble Ms. Rachna Gupta, Member (Judicial)

Per: **V. Padmanabhan:**

2. The appellant is a Custom Broker with a licence issued by the Commissioner of Customs, Hyderabad and has been permitted to operate in Delhi by the Commissioner of Customs, Delhi under Regulation 7(2) of the

CBLR, 2013. The Customs Department noticed that the appellant was involved in certain alleged frauds in Delhi and hence the Commissioner of Customs, Delhi took up the matter with the licencing authority, i.e. Commissioner of Customs, Hyderabad which resulted in suspension of the appellant's Custom Broker Licence vide order dated 17.10.2017. The suspension was further confirmed by the Commissioner of Customs, Hyderabad vide his order dated 17.11.2017. Consequent upon the suspension of the CB licence at Hyderabad, the Commissioner of Customs, Delhi issued the impugned order in which the appellant was prohibited from operating in Delhi Custom Station by withdrawing the permission granted under Regulation 7(2). This order of prohibition stands challenged in the present appeal.

3. Heard both sides and perused appeal record.

4. It is the submission of the ld. Advocate that the Order of Suspension issued at Hyderabad was challenged by the appellant before the Hyderabad Bench of the Tribunal and vide the final order No. A/30667/2018 dated 05.06.2018, the suspension of the Custom Broker Licence at Hyderabad was set aside. Ld. Advocate further submitted that the prohibition order may also be set aside.

5. Ld. AR submitted that following the order passed by the Hyderabad Bench of the Tribunal the appellant is free to take up the matter with the Commissioner of Custom, Delhi for passing suitable orders.

6. After hearing both sides and on perusal of record, we note that the Order of Prohibition issued by Commissioner of Custom, Delhi (the impugned order), was an action taken consequent upon the steps taken by the licencing authority i.e. Commissioner of Customs, Hyderabad by suspending the Custom Broker Licence. After perusal of the order passed by the Hyderabad Bench of the Tribunal dt. 05.06.2017, it is seen that the Order of Suspension issued against the appellant stands set aside by the Tribunal. Consequently, we find no reason to keep the Order of Prohibition against the appellant and set aside the same and allow the appeal

(Dictated and pronounced in the open Court).

(Rachna Gupta)
Member (Judicial)

(V. Padmanabhan)
Member (Technical)

Pant