

Trans Shipping Services Vs. Commissioner of Cus.

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Court : Customs Excise and Service Tax Appellate Tribunal CESTAT Mumbai

Decided On : Aug-06-2002

Reported in : (2002)(146)ELT101Tri(Mum.)bai

Judge : S T Gowri, G Srinivasan

Appellant : Trans Shipping Services

Respondent : Commissioner of Cus.

Judgement :

1. The applications seek stay of operation of the order of the Commissioner suspending the licences granted to each of the applicants to function as Custom House agent.
2. The common charge against the applicants is that each of them sublet the licences granted to them to Govinddhar Pandey. While it is the contention of the common representative of the applicants that there is no evidence to show that the licences were sublet, we find that Pandey has, in his statement before the customs officers said that he was operating the licences of each of these applicants and given details of the payments made for this purposes. There is, therefore, prima facie, evidence of the contravention of the licensing regulation. We also note that the charges have been framed against each of the applicants under the relevant regulation and the enquiry is going on. The contention on behalf of the applicants is that the enquiry cannot proceed further, because, Pandey is under COFEPOSA detention and witnesses are not available to the department We had, earlier in the

course of the proceedings suggested to the representative of the applicants that the matter may be adjourned to next month to see how the enquiry was proceeding. He was, however, not satisfied with that and insisted on being heard fully. Having done so, we do not find sufficient material at this stage to say that enquiry cannot proceed any further.

3. The contention that the suspension was ordered a few months after the alleged instance, if correct, would not, prima facie, justify revoking it, after all in cases of this kind the department needs some time to investigate the matter.

4. We are therefore satisfied that sufficient ground does not exist to justify exercise of our inherent power to stay operation of the impugned orders. Therefore, while recording our expectation that the Commissioner will complete the proceedings as expeditiously as possible, we dismiss the applications.

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