

Commissioner of Customs (General) Vs. S.S. Clearing and Forwarding Agency

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Court : Mumbai

Decided On : Mar-08-2006

Reported in : 2006(198)ELT332(Bom)

Judge : R.M. Lodha and ;J.P. Devadhar, JJ.

Acts : Customs Act, 1961; [Customs Act, 1962](#); Customs House Agents, Licensing Regulations, 1984

Appeal No. : Customs Appeal No. 7 of 2006

Appellant : Commissioner of Customs (General)

Respondent : S.S. Clearing and Forwarding Agency

Advocate for Def. : S.N. Kantawala and ;Jogesh Rohira, Adv.

Advocate for Pet/Ap. : Vijay Kantharia, Adv., ;i/b., T.C. Kaushik, Adv.

Judgement :

ORDER

1. The learned Counsel for the appellant and Mr. S.N. Kantawala, the learned Counsel for the Respondent.

2. The following substantial questions of law arise in this appeal:

(a) Whether for initiating inquiry proceedings under the provisions of the Customs House Agents, Licensing Regulations, 1984 against Customs House Agent, is it necessary or precondition to initiate action against the custom house agent under the provisions of [Customs Act, 1962](#)?

(b) Whether the inquiry proceedings under the Customs House Agents Licensing Regulations, 1984 are independent and distinct from any other penal action or any other proceedings under the provisions of Customs Act, 1961?

3. Admit.

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