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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9823-24/2006

M/S MARGRA INDUSTRIES LTD & ANR. Petitioners
Through Mr. Priyadarshi Manish & Ms. Anjali
Manish, Advocates.

versus

U.O.I & ORS Respondents
Through Mr. A.D.N. Rao & Ms. Neelam Jain,
Advocates.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

% **ORDER**
24.09.2009

1. The impugned order passed by the respondent dated 27th November, 2002 is a non-speaking order. By the said order, the petitioner has been declared a defaulter and all licencing branches have been advised not to allow the petitioner and persons connected with the petitioner to avail of CCS/licence of any category or any other benefit under the Exim Policy in respect of licence No. P/CG 2117551 dated 17th November, 1995. Learned counsel for the petitioner in this connection has drawn my attention to the reply furnished by the petitioner dated 19th December, 2001 stating that they had made exports worth Rs.20,11,151/- with shipping bills where EPCG licence number was endorsed and exports

worth Rs.46,60,423/- in which no endorsement was made. It is also stated that the petitioner had filed certificate of export and realization.

2. It is also contention of the petitioner that they had asked for amendment of the licence vide letters dated 19th March, 1996 and 1st July, 1996 for deletion of the condition relating to past performance.

3. The impugned order does not deal with the said contentions. However, in the counter affidavit the respondents have explained their stand and decision with regard to both past performance and export realisation. Counter affidavit goes beyond what is stated in the impugned order dated 27th November, 2002. The impugned order dated 27th November, 2002 has adverse civil consequences and the authority concerned should have indicated and mentioned the reasons for passing of the said order. The said order has been passed under the provisions of Exim Policy read with provisions of Foreign Trade Development and Regulation Act, 1992. In these circumstances, the impugned order dated 27th November, 2002 is set aside with the direction to the respondents to pass a fresh speaking order dealing with the contentions raised by the petitioner.

4. The petitioner will appear before the Joint Zonal Director General of Foreign Trade on 21st October, 2009 at 2.30 p.m. along with all relevant original papers. After hearing the petitioner on the said date or any other convenient date, a fresh speaking order will be passed.

5. It is clarified that this Court has not expressed any opinion on the merits and the observations made in this order are tentative and will not influence the respondents while passing the order on merits.

The writ petition is disposed of.

SANJIV KHANNA, J.

SEPTEMBER 24, 2009
VKR