

Blue Star Ltd. } Petitioner
versus
The Union of India and Ors. } Respondents

Mr. Pradeep S. Jetly with Ms. Shehnaz V. Bharucha with Mr. A. S. Rao for the Respondents.

**CORAM :- S.C.DHARMADHIKARI &
S.PDESHMUKH, JJ.**
DATED :- JANUARY 5, 2015

Petitioner Blue Star Ltd. has filed this Writ Petition aggrieved and dis-satisfied with an order dated 5th June, 2013. The question is of an eligibility styled as “Served from India Scheme” ('SFIS' for short). Under this SFIS, the Government of India, Department of Commerce, through the Foreign Trade Development Officer, informed the Petitioner that the Petitioner is selling Air Conditioners of one international company in India and providing after sales services. Such services do not qualify for SFIS as it involves sale of goods only.

2) The grievance of the Petitioner is that the policy clarification, which has been given by the Policy Interpretation Committee and exercising powers under the Foreign Trade (Development and Regulation) Act, 1992, resulted in this communication.

3) Both sides fairly brought to our notice an order passed by this Court in a Writ Petition being Writ Petition No. 2011 of 2014. The order passed on 5th December, 2014, to which one of us (S.C.Dharmadhikari, J.) is a party, directs that the issue be examined independently by the Secretary, Ministry of Commerce, Government of India. That was to take care of the apprehension of the parties and particularly like that of the Petitioner that the authorities under the above Act interpret their policies frequently and to the detriment of the parties like the Petitioner. Without expressing any opinion on the contention raised, we had directed the Secretary of the Department to examine and consider the issue.

4) Both sides fairly states that this order would also serve the ends of justice and if passed in the Writ Petition presently before us. Accordingly, we dispose of the present Writ Petition with the same order and directions as above passed in Writ Petition No. 2011 of 2014 dated 5th December, 2014. All consequential orders and directions in terms of

the main order dated 5th December, 2014 shall follow even in this case.

The Writ Petition is accordingly disposed of.

(S.P.DESHMUKH, J.)

(S.C.DHARMADHIKARI, J.)