

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 10TH DAY OF JULY 2015/19TH ASHADHA, 1937

WP(C).No.4445 of 2015 (E)

PETITIONER:

**MARINE FINS,2/266,CALVATHY,KOCHI - 682 001,
REPRESENTED BY ITS PROPRIETRIX,
FATHIMA BEEVI T.A.**

BY ADV.SRI.M.A.ABDUL HAKHIM

RESPONDENT'S:

- 1. UNION OF INDIA,REPRESENTED BY SECRETARY,
MINISTRY OF COMMERCE AND INDUSTRY,
UDYOG BHAVAN,NEW DELHI.**
- 2. DIRECTOR GENERAL OF FOREIGN TRADE,
DEPARTMENT OF COMMERCE,
MINISTRY OF COMMERCE AND INDUSTRY,
UDYOG BHAVAN,NEW DELHI.**
- 3. JOINT DIRECTOR OF FOREIGN TRADE,
DEPARTMENT OF COMMERCE,
MINISTRY OF COMMERCE AND INDUSTRY,
5TH FLOOR,A BLOCK,KENDRIYA BHAVAN,KAKKANAD.**
- 4. DEPUTY COMMISSIONER OF CUSTOMS,
COCHIN AIR CUSTOMS,AIR CARGO COMPLEX,
COCHIN INTERNATIONAL AIRPORT,
NEDUMBASSERY - 683 585.**

R1-R3 BY ADV.SRI.N.NAGARESH,ASGI

**R4 BY SRI.TOJAN J.VATHIKULAM,SC,C.B. EXCISE
SRI.THOMAS MATHEW NELLIMOOTTIL,SC,CB EX**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-07-2015, ALONG WITH WP(C) 5151/2015 THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT-P1-A PHOTOSTAT COPY OF THE CERTIFICATE OF IMPORTER-EXPORTER ISSUED BY THE 3RD RESPONDENT.

EXHIBIT-P2-A PHOTOSTAT COPY OF THE REGISTRATION CUM MEMBERSHIP CERTIFICATE ISSUED BY THE MARINE PRODUCTS EXPORT DEVELOPMENT AUTHORITY TO THE PETITIONER.

EXHIBIT-P3-A PHOTOSTAT COPY OF THE PURCHASE ORDER ISSUED BY THE PETITIONER TO MAN FUNG SEA PRODUCTS TRADING COMPANY HONGKONG.

EXHIBIT-P4-A PHOTOSTAT COPY OF THE INVOICE ISSUED BY THE PETITIONER TO MAN FUNG SEA PRODUCTS TRADING COMPANY HONGKONG.

EXHIBIT-P5-A PHOTOSTAT COPY OF THE CERTIFICATE OF INSPECTION/QUALITY CONTROL TO THE PETITIONER.

EXHIBIT-P6-A PHOTOSTAT COPY OF THE SHIPPING BILL CHECK LIST.

EXHIBIT-P7-A PHOTOSTAT COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT.

EXHIBIT-P8-A PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 3RD RESPONDENT.

EXHIBIT-P9-A PHOTOSTAT COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT.

EXHIBIT-P10:A PHOTOSTAT COPY OF THE CARTING ORDER ISSUED BY AIR INDIA LTD.,COCHIN.

EXHIBIT-P11:A TRUE COPY OF THE SEARCH REPORT IN THE WEBSITE OF THE GAZETTE OF INDIA.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) Nos.4445 of 2015 & 5151 of 2015

Dated this the 10th day of July, 2015

J U D G M E N T

Read the operative portion of the interim order dated 11.03.2015 in W.P(C) No.5151/2015 which is extracted as follows:

The case of the petitioner is that even though the notification is dated 06.02.2015, it was actually printed and published only subsequently. In support of the said contention the information obtained from the competent authority, by filing petition under the RTI Act, has been produced as Ext.P10, which clearly certified that the material was received in the Government Press on 06.02.2015 and the said notification dated 06.02.2015 was actually printed only on 16.02.2015.

Admittedly, the notification was published in the Gazette only on 16.02.2015. The present writ petitions agitate the case of the

petitioner, who is an exporter of Shark Fin prior to such publication of the notification. Definitely that has to be regulated as the law existing then, when there was no prohibition of exports. Writ petitions hence are disposed of making the interim order absolute.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge