

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 19TH DAY OF MARCH 2015/28TH PHALGUNA, 1936

WP(C).No. 6733 of 2015 (N)

PETITIONER(S):

- 1. M/S.ASWIN GOLD PVT. LTD., PLOT NO.16A,
(SDF), GROUND FLOOR, COCHIN SPECIAL
ECONOMIC ZONE, KAKKANAD, KOCHI - 37,
REPRESENTED BY ITS MANAGING DIRECTOR,
SANJAY SUBRAO NIKAM.**
- 2. SANJAY SUBRAO NIKAM, S/O.SUBRAO NIKAM,
AGED 30 YEARS, THE MANAGING DIRECTOR,
M/S.ASWIN GOLD PVT. LTD., RESIDING AT SANJAY NIVAS,
MULANTHURUTHY, ERNAKULAM.**

**BY ADVS.SRI.K.R.VINOD
MS.JENCY SUSAN JOSE
SRI.V.SRI NATH**

RESPONDENT(S):

- 1. THE DEVELOPMENT COMMISSIONER,
COCHIN SPECIAL ECONOMIC ZONE (CSEZ),
DEPARTMENT OF COMMERCE, GOVERNMENT
OF INDIA, KAKKANAD, KOCHI - 37.**
- 2. UNION OF INDIA, REPRESENTED BY SECRETARY,
MINISTRY OF COMMERCE AND INDUSTRY,
NEW DELHI - 110 001.**
- 3. THE DEPUTY COMMISSIONER OF CUSTOMS,
COCHIN INTERNATIONAL AIRPORT LTD.,
NEDUMBASSERY - 683 585.**
- 4. THE COMMISSIONER OF CUSTOMS (PREVENTIVE),
COMMISSIONERATE OF CUSTOMS, CATHOLIC CENTRE,
BROADWAY, COCHIN - 31.**

**R1 & R2 BY SRI.N.NAGARESH, A S G
R3 & R4 BY SRI.THOMAS MATHEW NELLIMOOTTIL,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 6733 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1:** THE COPY OF THE ORDER DATED 04.10.2011 ISSUED BY THE 1ST RESPONDENT HEREIN GRANTING PERMISSION TO THE PETITIONER FOR SETTING UP A UNIT IN CSEZ.
- EXHIBIT P2:** THE SUSPENSION OF LETTER OF APPROVAL ISSUED BY THE 1ST RESPONDENT DATED 19.08.2014.
- EXHIBIT P3:** THE COPY OF JUDGMENT OF HON'BLE HIGH COURT OF KERALA IN WP(C)NO.27189/2014 ON 17.10.2014.
- EXHIBIT P4:** THE COPY OF THE SHOW-CAUSE SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 27.10.2014.
- EXHIBIT P5:** THE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT ON 09.12.2014.
- EXHIBIT P6:** THE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN W.P.(C)NO.34191/2014.
- EXHIBIT P7:** THE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 4TH RESPONDENT.
- EXHIBIT P8:** THE COPY OF THE ORDER OF THE 4TH RESPONDENT DATED 05.12.2014.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.S. TO JUDGE

mbr/

P.R.RAMACHANDRA MENON, J.

W.P.(C).No.6733 of 2015

Dated this the 19th day of March, 2015

JUDGMENT

The petitioner has approached this Court challenging the correctness of Ext.P8 order passed by the fourth respondent. Many a ground has been raised in the writ petition as to the course and proceedings pursued by the fourth respondent, leading to Ext.P8. The learned standing counsel appearing for respondents 3 and 4 submits that the petitioner is having an effective alternative remedy by way of section 129A of the Customs Act, 1962 before the concerned Tribunal. In the said circumstances, the petitioner is relegated to pursue statutory remedy as above.

Without prejudice to the rights and liberties as above. The writ petition is dismissed.

**P.R.RAMACHANDRA MENON,
JUDGE.**

rkc.