

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

WP(C).No. 22857 of 2015 (F)

PETITIONER(S):

1. M/S.ASWIN GOLD (P) LTD.,
PLOT NO. 16, (SDF), GROUND FLOOR,
COCHIN SPECIAL ECONOMIC ZONE, KAKKANAD, KOCHI-682 037,
REPRESENTED BY ITS MANAGING DIRECTOR,
SANJAY SUBRAO NILKAM.
2. SANJAY SUBRAO NIKAM, AGED 31 YEARS,
S/O. SUBRAO NIKAM, MANAGING DIRECTOR,
ASHWIN GOLD (P) LTD, SANJAY NIVAS , MULANTHURUTHY,
ERNAKULAM -682 314.

BY ADVS.SRI.N.JAMES KOSHY
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN

RESPONDENT(S):

1. DEVELOPMENT COMMISSIONER,
COCHIN SPECIAL ECONOMIC ZONE,
COCHIN, KERALA, PIN 682 030.
2. DIRECTOR GENERAL OF FOREIGN TRADE,
UDYOG BHAWAN, NEW DELHI-1110 001.
3. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF COMMERCE AND INDUSTRY, NEW DELHI-110 001.

R1-R3 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R1-R3 BY ADV. SRI.KRISHNADAS P.NAIR, CGC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 05-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: A TRUE COPY OF THE LETTER OF APPROVAL DT. 4/10/11 GRANTING PERMISSION TO THE PETITIONER FOR SETTING UP A UNIT IN THE COCHIN SPECIAL ECONOMIC ZONE
- EXT.P2: A TRUE COPY OF THE SUSPENSION ORDER DT. 19/8/14 ISSUED BY THE 1S RESPONDENT
- EXT.P3: THE TRUE COPY OF THE JUDGMENT DT. 17/10/14 OF THIS HON'BLE COURT IN WPC 27189/14
- EXT.P4: TRUE COPY OF THE REPLY DT.27/10/1 SUBMITTED BY THE PETITIONERS BEFRE THE 1ST RESPONDENT
- EXT.P5: TRUE COPY OF THE ORDER NO.9/16/2011/CSEZ/1628-A DATED 7/3/15 ISSUED BY 1ST RESPONDENT U/S 11(2) OF FOREIGN TRADE (DEVELOPMENT AND REGULATION) ACT, 1992
- EXT.P6: A TRUE COPY OF THE JUDGMENT DT. 8/5/15 IN WPC 13474/15 (WITHOUT ANNEXURES) FILED BEFORE THIS HON'BLE COURT
- EXT.P7: A TRUE COPY OF THE IA NO 10558/15 IN WPC13474/15 (WITHOUT ANNEXURES)FILED BEFORE THIS HON'BLE COURT
- EXT.P8: A COPY OF THE MEMORANDUM OF APPAL DT. 16/5/15 (WITHOUT ANNEXURES) FILED BY PETITIONERS BROFORE THE 2ND RESPONDENT
- EXT.P9: A TRUE COPY OF THE APPLICATION FILD BY THE PETITIONER UNDER THE 3RD PROVISO TO SECTION 15(1 OF F. T (D&R) ACT PRAYING TO DISPENSE WITH DEPOSIT OF PENALTY FOR THE FILING OF THE APPEAL
- EXT.P10: A TRUE COPY OF THE STAY APPLICATION FILED BY PETITIONER FOR THE STAY OF EXT. P5 ORDER PENDING THE DISPOSAL OF THE APPEAL
- EXT.P11: THE TRUE COPY OF THE ORDER DT. 7/7/15 PASSED BY THE APPELLATE AUTHORITY, 2ND RESPONDENT
- EXT.P12: A TRUE COPY OF THE PROOF OF DELIVERY CARD DT. NIL RECEIVED BY THE PETITIONERS COUNSEL AFTER DELIVERY OF THE APPEAL TO THE OFFICE OF THE 2ND RESPONDENT, ALONG WITH BOOKING RECEIPT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

PJ

P.S. TO JUDGE

K. VINOD CHANDRAN, J.

W.P.(C) No. 22857 of 2015 (F)

Dated this the 5th day of August, 2015

J U D G M E N T

The petitioners were granted time till 12.5.2015 to file an appeal before the Appellate Authority and it was also directed that if so filed, the same shall be considered by the Director General of Foreign Trade, within a period of three months, as per Ext.P6 judgment. It was also directed that the petitioners would be permitted to run the Unit, subject to decision in the stay application.

2. However, the appeal was not filed within the time granted by Ext.P6. The appeal, hence, stood rejected by Ext.P11. The petitioners have now filed a review before the learned Single Judge who passed Ext.P6 judgment and time has been extended. Hence, now, the appeal would be one properly instituted, if Ext.P11 is set aside.

3. In such circumstance, Ext.P11 is set aside. The directions in Ext.P6 judgment shall be complied with.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE