

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2015

CORAM:

THE HONOURABLE MR. SANJAY KISHAN KAUL, THE CHIEF JUSTICE
AND

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.27865 of 2012

The Federation of Tamil Nadu Traders
Association, rep. by its President Mr.T.Vellayan
No.44, Paddy Field Road, Perambur
Chennai 600 011.

... Petitioner

vs.

1. Union of India
Ministry of Commerce and Industry
Udyog Bhawan, New Delhi 110 107.
2. Department of Industrial Policy &
Promotion, Ministry of Commerce and Industry
Udyog Bhawan, New Delhi 110 107.
3. Reserve Bank of India
Central Office, Sir P.M. Road
Fort, Mumbai 400 001.
4. Cedar Support Services Limited
Bharti Crescent 1, Nelson Mandela Road
Vasant Kunj, Phase II
New Delhi 110 070.
5. Bharti Ventures Limited
Bharti Crescent 1, Nelson Mandela Road
Vasant Kunj, Phase II
New Delhi 110 070.
6. Bharti Retail Limited
Bharti Crescent 1, Nelson Mandela Road
Vasant Kunj, Phase II
New Delhi 110 070.

7. Wal-Mart Mauritius (4) Holdings Co. Ltd.
C/o. IMM Ltd. Less Cascades Building
Edith Cavell Street, Port Louis
Mauritius.
8. Wal-Mart Stores Inc, U.S.A.
702 South west 8th Street, Bentonville
Arkansas, United States of America - 72716. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing respondents 1 to 3 to examine/investigate/consider the investment by respondent No. 7 in respondent no.4, by masquerading the investment as being meant for the permitted "Services Sector" under FEMA and its Regulation and its subsequent investment in Prohibited Multi Brand Retail Sector being carried out by respondent no.6, in contravention of the Prohibition contained under the Foreign Exchange Management Act read with Foreign Exchange Management (Transfer or Issue of Security by a Person Resident Outside India) Regulations, 2000 (Regulations) and to initiate proceeding for contravention of FEMA and other offences under Indian Penal Code, including the offence of conspiracy by respondent nos. 4 to 8.

For Petitioner : Mr. S. Vediappan

For Respondents : Mr. K. Gunasekar, SPCCG for R1 & R2
Mr. T. Poornam, SC for RBI/R3
Mr. J. Thriyambakkannan for R4 to R6.

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner as Traders Association and a competitor to the business of 7th and 8th respondents sought to file the petition, alleging certain violations. The business of the 7th and 8th respondents is over as far back as 2013. The authorities are stated to have taken certain actions insofar as any violation of law is concerned.

2. We see no purpose in now taking the matter further and thus, close the proceedings. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

atr

Copies to;

1. Union of India
Ministry of Commerce and Industry
Udyog Bhawan, New Delhi 110 107.
2. Department of Industrial Policy &
Promotion, Ministry of Commerce and Industry
Udyog Bhawan, New Delhi 110 107.
3. The Reserve Bank of India
Central Office, Sir P.M. Road
Fort, Mumbai 400 001.

+1cc to Mr.T.Poornam, Advocate, S.R.No.57264

+1cc to Mr.K.Gunasekar, Advocate, 57212

W.P. No. 27865 of 2012

NM(CO)
CA(30/10/2015)

सत्यमेव जयते

WEB COPY