

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.11.2016

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THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

WP.Nos.38172 to 38174/2016 & WMP Nos.32703 to 32707/2016

M/s.Golden Tulip Fashions
rep.by its Partener Shri M.Aravind
having its registered officer at
C5, BL-1, AMM Towers,
Thiruvalluvar Road, Mogappair
Chennai 600 037.

.. Petitioner in
WP.No.38172/2016

Mr.M.Aravind, Partner of
M/s.Golden Tulip Fashions
C5, BL-1, AMM Towers,
Thiruvalluvar Road, Mogappair
Chennai 600 037.

.. Petitioner in
WP.No.38173/2016

Mrs.M.Sangeetha, Partner of
M/s.Golden Tulip Fashions
C5, BL-1, AMM Towers,
Thiruvalluvar Road, Mogappair
Chennai 600 037.

.. Petitioner in
WP.No.38174/2016

...Vs...

1.The Joint Director General of Foreign Trade,
1544,India Life Building (Annexe),1st Floor,
Trichy Road,Coimbatore-641 018.

2.The Deputy Director General of Foreign Trade,
1544,India Life Building (Annexe),1st Floor,
Trichy Road,Coimbatore-641 018.

.. Respondents in
all WPs

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order-in-original dated 02.08.2016 issued in F.No.32/36/021/00160/AM 06 passed by the 2nd respondent and quash the same and further direct the 2nd respondent to pass fresh orders regularizing the bonafide default of the petitioner firm in fulfilling the export obligation, by extending the benefit of paragraph 5.14 of the Handbook of Procedures Foreign Trade Procedures.

For Petitioners : Mr.Hari Radhakrishnan

COMMON ORDER

Heard the learned counsel for the petitioners and perused the materials placed before this Court in the form of typed set of papers.

2 On a perusal of the impugned order dated 02.08.2016 passed by the 2nd respondent, this Court is of the considered view that an appeal remedy is available to the petitioners. Even according to them, the original show cause notice was issued to them during the year 2013 itself and when they approached the respondents, they were granted two years time to comply with the said notice. It is only thereafter, the present

impugned notice came to be issued. This Court is of the considered view, that if at all the petitioners are aggrieved by such notice, the remedy available to them is to approach the Appellate Authority by way of an appeal as factual questions are raised and the same cannot be entertained by this Court in the writ petition.

3 Accordingly, the writ petitions stand dismissed. Liberty is granted to the petitioner to approach the Appellate Authority by preferring an appeal against the impugned order. No costs. Consequently, the connected miscellaneous petitions are also dismissed.

03.11.2016

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To

- 1.The Joint Director General of Foreign Trade,
1544,India Life Building (Annexe),1st Floor,
Trichy Road,Coimbatore-641 018.
- 2.The Deputy Director General of Foreign Trade,
1544,India Life Building (Annexe),1st Floor,
Trichy Road,Coimbatore-641 018.

B.RAJENDRAN., J.

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