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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3346/2016 & C.M.Nos.14295-14296/2016**

PAN PARAG INDIA LTD.

..... Petitioner

Through Mr.Pankaj Bhatia with Mr.Dhruv
Surana, Advocates.

versus

DIRECTOR GENERAL OF FOREIGN TRADE AND ANR

..... Respondents

Through Mr.Vineet Malhotra with Mr.Vishal
and Mr.Shubhendu Kaushik,
Advocates.

+ **W.P.(C) 3417/2016 & C.M.Nos.14616-14617/2016**

KOTHARI PRODUCT LTD.

..... Petitioner

Through Mr.Pankaj Bhatia with Mr.Dhruv
Surana, Advocates.

versus

DIRECTOR GENERAL OF FOREIGN TRADE & ANR

..... Respondents

Through Mr.Vineet Malhotra with Mr.Vishal
and Mr.Shubhendu Kaushik,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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26.04.2016

Present writ petitions have been filed with the following
prayers:-

*i) To issue a suitable writ, order or direction quashing
the Order No.01/94/180/201/AM 13/PC-4 dated
01.04.2016 passed by Anup Wadhawan, Director General
of Foreign Trade in so far as it directs the transfer of*

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review application to the Appellate Authority along with the entire record for the submissions therein to be taken up for adjudication as part of the appellate process and in so far as it authorizes DRI to be impleaded in the appellate proceedings and to appear before the appellate authority.

ii) Award cost to this Writ Petition to the petitioner herein;

AND

iii) Pass such other order(s) or direction(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in favour of the petitioner.

Learned counsel for the petitioners at the outset fairly states that his challenge is confined to the observations and directions given in paragraph 6 of the impugned order dated 1st April, 2016, which reads as under:-

"6. In light of these facts, the review application is transferred to the Appellate Authority along with the entire record for the submissions therein to be taken up for adjudication as part of the appellate process, and is accordingly disposed off. DRI may apply to the appellate authority to be impleaded in those proceedings."

Learned counsel for the petitioners states that Section 16 of the FTDR Act does not empower the Reviewing Authority to transfer the review petition for hearing to the Appellate Authority, as has been done in the present case.

Mr. Vineet Malhotra, learned counsel for the respondent-DGFT fairly concedes that the review should have been decided by the Director General of Foreign Trade (DGFT) itself.

Consequently, paras 6 & 7 of the impugned order dated 1st April, 2016 to the extent it transfers the review petitions to the

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Appellate Authority are set aside and the DGFT is directed to decide the review petitions filed by the Directorate of Revenue Intelligence (DRI) itself. For this purpose, the parties are directed to appear before the DGFT on 29th April, 2016 at 4 PM.

With the aforesaid direction, the present writ petitions and the applications are disposed of.

Order *dasti*.


MANMOHAN, J

APRIL 26, 2016
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