

In the High Court of Judicature at Madras

Dated: 06.01.2017

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The Honourable Mr.JUSTICE RAJIV SHAKDHER

Writ Petition No.386 of 2017
and WMP No.417 of 2017

M/s.S.S.D.Oil Mills Company Limited
represented by its Director,
Shri.R.Deepan Dorai
Chennai - 600 083.

..... Petitioner

Vs.

1. The Assistant Director General of Foreign Trade,
26, Haddows Road, Shastri Bhavan Annexe,
Chennai - 600 006.
2. The Joint Director General of Foreign Trade,
26, Haddows Road, Shastri Bhavan Annexe,
Chennai - 600 006.
3. Additional Director General of Foreign Trade,
26, Haddows Road, Shastri Bhavan Annexe,
Chennai - 600 006.
4. Director General of Foreign Trade,
Udyog Bhawan, H-wing, Gate No.02,
Maulana Azad Road, New Delhi - 110 011.
5. Export Promotion Capital Goods (EPCG) Committee
Director General of Foreign Trade,
Udyog Bhawan, H-wing, Gate No.02,
Maulana Azad Road, New Delhi - 110 011.
6. The Deputy Commissioner of Customs (EPCG)
Custom House, No.60, Rajaji Salai,
Chennai - 600 001.

..... Respondents

PETITION under Article 226 of The Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call
for the records pertaining to the letter dated 04.11.2016 issued

by the 6th respondent in F.No.S45/1045/2007 EPCG to the petitioner company, quash the same and further direct the 6th respondent not to take any coercive action in respect of EPCG licence No.430004354 dated 24.11.2006 till the disposal of the application dated 28.07.2014 pending before the 3rd respondent.

For Petitioner : Mr.G.Derrick Sam

For Respondents : Ms.Hema Muralikrishnan

O R D E R

1. Issue notice. Ms.Hema Muralikrishnan, accepts notice on behalf of the respondents.

2. With the consent of counsels for parties, the Writ Petition is taken up for hearing and final disposal.

3. The challenge in this Writ Petition is laid to the order dated 04.11.2016, passed by Deputy Commissioner of Customs (EPCG). The impugned order proceeds on the basis that the export obligation has not been fulfilled.

4. The petitioner's case, on the other hand, is that the entire export obligation stands fulfilled and that, in this behalf, a representation, which is dated 28.07.2014, was made to respondent No.3 for issuance of Export Obligation Discharge Certificate

4.1. Counsel for the petitioner says that the aforesaid representation of the petitioner is still pending with respondent No.3 and, without disposing of the representation of the petitioner, the impugned order has been passed.

5. Ms.Hema Muralikrishnan, counsel for the respondents, says that if a direction is given, respondent No.3 would consider and dispose of the representation dated 28.07.2014, and that, pending the disposal of the representation, no coercive action will be taken against the petitioner.

6. Accordingly, the Writ Petition is disposed of with the direction to respondent No.3 to dispose of the representation of the petitioner dated 28.07.2014. The needful will be done within a period of six (6) weeks from the date of receipt of a copy of the order.

6.1. Pending the disposal of the representation, no coercive measures will be taken against the petitioner.

7. Resultantly, the connected Miscellaneous Petition stands closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

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KS(CO)
RS(03/02/2017)

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