

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.28989 of 2017

and

WMP.No.31211 of 2017

M/s.Daejung Moparts Pvt Ltd.,
Plot No.6, Sengundram Industrial Estate
Melrosapuram, S.P.Koil
Kancheepuram District
Tamil Nadu - 603 204.
Represented by its Managing Director
Mr.Ramendra Kumar Sharma ... Petitioner

vs.

- 1.The Union of India,
Represented by its Secretary,
Ministry of Commerce and Industry,
Department of Commerce,
Udyog Bhagan,
New Delhi - 110 011.
- 2.The Additional Director General of Foreign Trade,
Office of the Additional DGFT,
4th and 5th floor, Shastri Bhavan Annex,
Haddows Road, Chennai - 600 006.
- 3.The Joint Director General of Foreign Trade,
Office of the Additional DGFT,
4th and 5th floor, Shastri Bhavan Annex,
Haddows Road, Chennai-600 006.
- 4.The State of Tamilnadu,
Rep.by Joint Secretary to the Govt. of Tamilnadu,
Revenue Department,
Secretariat, Fort St.George,
Chennai-600 009.
- 5.The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram,
Tamilnadu-631 501.

6.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu Taluk Office,
Chengalpattu,
Tamilnadu-603 001.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the 3rd respondent in the Order-in-Original dated 05.02.2013 bearing F.No.04/21/021/ 008/AM05 and consequently quash the same.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel for Mr.K.Senguttuvan
For Respondents: Mr.J.Madanagopal Rao,
Senior Central Government
Standing Counsel for R1 to R3
Mr.A.Kumar
Senior Government Pleader
for R4 to R6

O R D E R

Mr.J.Madanagopal Rao, learned Senior Central Government Standing Counsel takes notice for the respondents 1 to 3. Mr.A.Kumar, learned Special Government Pleader takes notice for the respondents 4 to 6. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides.

3. The petitioner is aggrieved by the order in original dated 05.02.2013, passed by the third respondent imposing penalty of Rs.3,04,92,816/- being one time Duty Saved Value in respect of EPCG Licence obtained by the petitioner.

4. Admittedly, as against the order impugned in this writ petition, an appellate remedy is available to the petitioner before the second respondent and therefore, this Court is not inclined to entertain this writ petition, as the petitioner can avail such remedy.

5. Mr.AR.L.Sundaresan, learned Senior Counsel appearing for the petitioner submitted that the petitioner has already filed an appeal before the second respondent and the same is pending before such authority. He fairly admitted that there is some delay in filing such appeal.

6. Needless to say that it is for the Appellate Authority to consider the application for delay and only when he gets satisfied with the reasons for condoning the delay, the Appellate Authority can go into the merits of the appeal and decide the same, in accordance with law. This Court, at this stage, is not expressing any view either on the merits of the matter or the reasons stated for filing such appeal with delay. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the matter as well as the reasons stated for the delay in filing the appeal, by leaving all those questions to be considered and decided by the second respondent / Appellate Authority. It is open to the petitioner to file an additional affidavit, if any, explaining the delay. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
The Union of India,
Ministry of Commerce and Industry,
Department of Commerce,
Udyog Bhagan,
New Delhi - 110 011.
- 2.The Additional Director General of Foreign Trade,
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4th and 5th floor, Shastri Bhavan Annex,
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- 3.The Joint Director General of Foreign Trade,
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Haddows Road, Chennai-600 006.
- 4.The Joint Secretary to the Govt. of Tamil Nadu.
The State of Tamilnadu,
Revenue Department,
Secretariat, Fort St.George,
Chennai-600 009.

5.The District Collector,
Kancheepuram District,
Collectorate, Kancheepuram,
Tamilnadu-631 501.

6.The Tahsildar,
Chengalpattu Taluk,
Chengalpattu Taluk Office,
Chengalpattu,
Tamilnadu-603 001.

+1cc to Mr.J.MADANAGOPAL Advocate, S.R.No. 80635

+1cc to the Government Pleader, S.R.No. 80956

+2cc to Mr.K.SENGUTHUVAN Advocate, S.R.No. 80676

W.P.No.28989 of 2017

TR(29/11/2017)



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