

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2017
Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.24294 of 2004
and
W.P.M.P.No.29503 of 2004

M/s. Spartek Ceramics India Ltd.,
15, Cenotaph Road,
2nd Lane, Teynampet, Chennai - 600 018.
rep. by its Company Secretary,
R. Jayaraman.

...Petitioner

Vs.

1. The Director General of Foreign Trade,
Ministry of Commerce,
Government of India,
Moulana Azad Road,
Udyog Bhavan, New Delhi.
2. The Deputy Commissioner of Central Excise,
Poonamallee Division,
C-48, TNHB Building I Floor,
II Avenue, Anna Nagar,
Chennai - 600 040.
3. The Central Bank of India,
St Mary's Road,
Mandaveli Branch,
Chennai - 600 028.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records, comprised in F.No.01/36/021/00282/AM96/EPCG - II/62, dated 29.04.2002, on the file of the Director General of Foreign Trade, New Delhi/first respondent, and to quash the same and consequently, to direct the first respondent to freshly consider the applications of the petitioner, dated 04.04.2002 and 23.05.2002, under para 2.5 of the EXIM Policy.

For Petitioner : M/s. Cynduja Krishnan

For Respondents : Mr. A.P.Srinivas
1 & 2 Senior Standing Counsel

O R D E R

Heard M/s. Cynduja Krishnan, the learned counsel appearing for the petitioner and Mr. A.P.Srinivas, the learned Senior Standing Counsel for the respondents.

2. The petitioner has filed this Writ Petition, challenging the proceedings issued by the first respondent, dated 29.04.2002, by which, the petitioner was informed that their request for extension of time for fulfillment of the Export Obligation, which is required to be done under EPCG Licence is rejected.

3. The petitioner/Company was declared as 'Sick Industrial Company', and a reference was made to the Board for Industrial Finance and Reconstruction for framing Scheme for rehabilitation. BIFR, by proceedings, dated 16.11.2016, in Case No.63 of 2006, framed a Scheme, and insofar as the first respondent/Department is concerned, BIFR has framed the following Scheme to consider :-

" i) Condoning and waive the non-fulfillment of Export Obligation in respect of which, a representation is pending before EPCG Authorities.

ii) DGFT or the concerned Authorities for import trade control to issue new EPCG licence for import of machinery as required. "

4. In the light of the above Scheme framed by BIFR, no further orders are required to be passed in this Writ Petition.

5. Accordingly, this Writ Petition is closed, leaving it open to the respondents to take into consideration the Scheme framed by BIFR and pass appropriate orders for closing the proceedings. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

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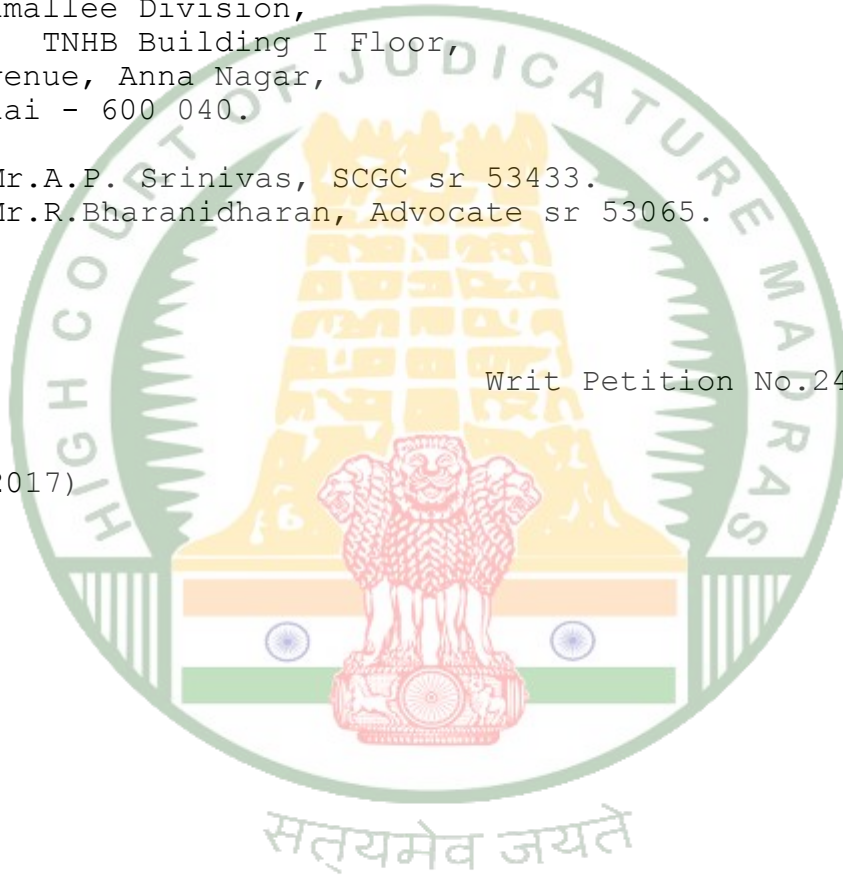
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+1 CC to Mr.A.P. Srinivas, SCGC sr 53433.

+1 CC to Mr.R.Bharanidharan, Advocate sr 53065.

Writ Petition No.24294 of 2004

SP(24/10/2017)



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