

Tetra Pak India Pvt. Ltd. } **Petitioner**
 versus
The Union of India and Ors. } **Respondents**

Mr. Pradeep S. Jetly with Mr. D. P. Singh
for respondent nos. 1 to 3.

DATE :- JUNE 12, 2018

1. After this writ petition was heard on the earlier occasion and even today, Mr. Jetly, on seeking instructions from the Joint Director General, Foreign Trade, who is also the deponent of the affidavit and present in court, states that the said Joint Director General will grant the petitioner the licences which are subject matter of the petition, namely, licence authorisation under the Export Promotion Capital Goods Scheme (EPCGS) and the Merchandise Exports from India Scheme (MEIS) and allow the petitioner to avail of the benefits of the schemes, that of the Foreign Trade Policy (FTP) 2015-2020. However, this is subject and without prejudice as well to the powers conferred in the Joint

Director General of Foreign Trade/Directorate of Foreign Trade under the Foreign Trade (Development and Regulation) Act, 1992.

2. We accept these statements made on instructions by Mr. Jetly as undertakings given to this court. In the light thereof, we are of the opinion that once licences would be granted in pursuance of the petitioner's applications, then, the orders of rejection of these applications made earlier do not survive. They stand quashed and set aside.

3. Needless to clarify that once the above statements are made on behalf of the Union of India, Ministry of Commerce and the Director General and the Joint Director General of Foreign Trade, then, respondent no. 4-Commissioner of Customs, Nhava Sheva shall not preclude or prevent the clearance of the consignments of the petitioner provided the petitioner can seek the benefit of the licences. The communication dated 14th May, 2018 from the Assistant Commissioner of Customs, Nhava Sheva Customs House Exhibit "II" to the petition to stand quashed and set aside.

4. The writ petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)