

Sharayu Khot.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 6793 OF 2017

M/s. BNS Import Export

...Petitioner

Versus

Union of India & Ors.

...Respondents

Dr. Sujay Kantawala with Mr. Brijesh Pathak, Mr. Kartik Vig,
i/by Yogesh Rohira, for the Petitioner.

Mr. Parag Vyas, for the Respondents.

**CORAM : M.S. SANKLECHA &
RIYAZ I. CHAGLA, JJ.**

DATE : 30 August 2018

ORDER :

1. By consent of both the Counsel, the Petition itself is
taken up for final disposal at the stage of admission.

2. This Petition under Article 226 of the Constitution of
India challenges the order in original dated 17th May 2012
passed by the Joint Director General of Foreign Trade under

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Section 14 read with 9 of the Foreign Trade (Development and Regulation) Act, 1992 (for short “*the Act*”) and the order in Appeal dated 27th March 2017 passed by the Additional Director General of Foreign Trade under Section 15 of the Act.

3. The primary grievance of the Petitioner is that the impugned orders dated 17th May 2012 and 27th March 2017 had been passed in breach of principles of natural justice. This on account of the fact that the letter dated 16th February 2012 received by the Joint Director General of Foreign Trade from the Directorate of Revenue Intelligence, Kolkata Zonal Unit, the only document which formed the basis/relied upon in the show cause notice dated 27th April 2012 against the Petitioner, was not furnished to the Petitioner. This inspite of the Petitioner seeking a copy of the same.

4. This position is not disputed by the Respondents. In fact this very grievance was even made before the Appellate Authority and the same is recorded in the impugned order dated

27th March 2017. However, the impugned order dated 27th March 2017 does not even remotely consider the above fundamental grievance of the Petitioner, while dismissing its Appeal.

5. In the above view, the impugned order dated 17th May 2012 passed by the Joint Director General of Foreign Trade and the impugned order dated 27th March 2017 passed in Appeal by the Additional Director General of Foreign Trade are quashed and set aside. The show cause notice dated 27th April 2012 issued by the Joint Director General of Foreign Trade is restored to file of the Joint Director General of Foreign Trade for fresh disposal after following the principle of natural justice that is giving to the Petitioner's copy of relied upon document and hearing the Petitioner before disposing of the show cause notice dated 27th April 2012 in accordance with law.

6. The Writ Petition is allowed in the above terms.

[RIYAZ I. CHAGLA J.]

[M.S. SANKLECHA, J.]