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

WRIT PETITION NO. 10999 OF 2018

Rochem Separation Systems India Pvt. Ltd. .. Petitioner

v/s.

Union of India & Ors. ..Respondents

Mr. Mihir Mehta a/w Ms. Shilpa Jain, Mr. Jas Sanghavi I/b PDS Legal for the petitioner
Mr. Pradeep S. Jetly for the respondent

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

**DATED : 27th SEPTEMBER, 2018.**

**P.C.**

1. By consent of the parties, the petition is taken for final disposal at the stage of admission.

2. This petition under Article 226 of the Constitution of India challenges the minutes of meetings / orders dated 1st August, 2017 and 6th December, 2017 of the Policy Relaxation Committee in the office of the Director General of Foreign Trade – respondent no.2. The impugned minutes of meeting / orders dated 1st August, 2017 and 6th December, 2017 passed under paragraph 2.5 of the Foreign Trade Policy 2009-14 refused to relax the requirement of evidencing discharge

of export obligations in respect of supplies made to SEZ in the absence of assessed copy of bill of export. Thus, not issuing the export obligation discharge certificates so as to enable the petitioner to redeem the Advance Authorizations dated 23rd June, 2009, 3rd November, 2010, 16th November, 2010 and 20th September, 2012.

3. It is the petitioners' case that as they were unable to produce the assessed copy of bill of export in respect of supplies made to SEZ, they sought relaxation of that requirement to evidence discharge of their export obligations by producing other corroborative evidence in the form of ARE-1 which would establish the fulfillment of their export obligations by making supplies to SEZ. In fact, it is submitted that an identical issue had came up before this Court in ***Larsen and Tubro Ltd. (2018) 360 E.L.T. 289*** from the orders of the Policy Relaxation Committee on identical facts and law and this Court allowed the petition. This by holding that failure to file / produce a copy of assessed bill of export in respect of supplies made to SEZ would not by itself necessarily result in holding that there was failure to discharge export obligations, if the party is able to establish the supplies made to SEZ by production of copies of ARE-1. Thus, it is submitted that following the aforesaid decision, the impugned orders / minutes be set

aside and the respondents be directed to issue export obligation discharge certificates in respect of advance authorizations dated 23rd June, 2009, 3rd November, 2010, 16th November, 2010 and 20th September, 2012.

4. Mr. Jetly, learned Counsel appearing in support of the Revenue supports the orders / minutes dated 1st November, 2017 and 6th December, 2017 of the Policy Relaxation Committee of respondent no.2.

5. However, Mr. Jetly is unable to point out any distinguishing features in this case from that existing in Larsen and Tubro Ltd. (supra) which would warrant our taking a different view in this petition. Therefore, for the reasons indicated in our order in Larsen and Tubro Ltd. (supra) this petition is allowed.

6. Accordingly, the impugned minutes / orders dated 1st August, 2017 and 6th December, 2017 are set aside. The respondents are further directed to issue Export Obligation Discharge Certificate and redeem the Advance Authorizations dated 23rd June, 2009, 3rd November, 2010, 16th November, 2010 and 20th September, 2012.

7. Petition is disposed of in the above terms.

**(RIYAZ I. CHAGLA, J.)** **(M.S. SANKLECHA, J.)**