

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 882 OF 2018

Jeevee Karan Associates

... **Petitioner**

V/s.

Union of India through Secretary and Anr.

... **Respondents**

Mr. Vikram Nankani, Senior Advocate with Mr. Ranjeev Carvalho, with Pankaj Uttaradhi, Ms. Yashasvini Chandra, Mr. Sagr Hate i/b Sabeena Mahadik for the Petitioner.

Mr. Pradeep Jetly with Mr. D.P. Singh for the Respondents.

Mr. Ashish Kumar Jha, Jt Director General of Foreign Trade present.

**CORAM : S.C.DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : 09th APRIL, 2018

P.C.:

. In this matter, on 27.03.2018, the following order is passed:

“1. The petitioner is aggrieved and dissatisfied with the order, copy of which is at pages 159 to 162 of the paper book. The petition was heard extensively on 26th March 2018. Mr.Nankani, learned Senior Advocate appearing for the petitioner, after passing of the order dated 26th March 2018 on this petition, requested that a modification be made therein. Therefore, the petition is listed today on board.

2. While maintaining the conclusion that the writ petition deserves to be disposed off on the ground that there is alternate and equally efficacious remedy available under the Foreign Trade (Development and Regulation) Act, 1992, instead of relegating the petitioner to the appellate

remedy, interest of justice would be served if the Joint Director General of Foreign Trade issues a fresh notice of hearing and passes an order in terms thereof (Rule 10 of Foreign Trade [Regulations] Rules, 1993).

3. By consent of both sides, we recall the order dated 26th March 2018 passed in the open Court. We place this petition on 9th April 2018 only to enable Mr.Jetly to take instructions from the Joint Director General of Foreign Trade as to whether he is ready and agreeable to hear the petitioner afresh, for, the petitioner has a grievance that all the licenses have been cancelled, but without any advance or specific notice to the petitioner. Stand over to 9th April 2018 under the caption “for passing orders”.

2 Pursuant to the said Order, we grant the request made by the Petitioner and instead of the Petitioner being relegated to the remedy of Appeal, it is directed that the Joint Director of General Foreign Trade shall now pass a fresh order on merits in according to law.

3 We are informed that notice of hearing has already been issued by the Joint Director. Let him now pass the order and it is stated that the same will be passed within a period of two months from today.

4 The fresh order shall be passed uninfluenced by the earlier observations and findings.

5 The Writ Petition is allowed in these terms. The impugned order is quashed and set aside. It is clarified that this Court has not expressed any opinion insofar as the rival contentions are concerned.

6 All earlier orders and directions stand modified accordingly.

(PRAKASH D. NAIK, J.)

(S.C.DHARMADHIKARI, J.)