

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

WRIT PETITION NO. 1387 OF 2016

Cometal S. A.	}	Petitioner
versus		
Union of India and Ors.	}	Respondents

Mr. Amit Shroff for the petitioner.

Mr. Atul Singh for respondent nos. 1 and 2.

Ms. Jaitali Mathuria i/b. M/s. A. B. Shinde
and Co. for respondent nos. 3 and 4.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- JANUARY 29, 2018

P.C. :-

1. Mr. Shroff has fairly stated that by the means adopted by the petitioner, he cannot obtain the fruits of the decree passed by the City Civil Court in Summary Suit No. 646 of 2012 in the sum of US\$ 38,894.87. This was a decree passed against respondent no. 3 in a suit brought by the petitioner against it. However, the petitioner made complaint to respondent no. 2 that the third respondent is a defaulting exporter and therefore, appropriate steps be taken against it, including the proceedings to cancel his licence.

2. We do not think anything can be achieved by filing a petition of this nature for the petitioner knows that in order to obtain the fruits of the decree, it will have to be put in execution. If the petitioner only desires that the entire case be investigated and particularly the role of the third respondent and if he is guilty of any breach or violation of the Act, namely, the Foreign Trade (Development and Regulation) Act, 1992 and the Rules framed thereunder, then, all that we direct is that this petition be treated as a representation of the petitioner to take such actions as are permissible in law against respondent nos. 3 and 4. Let the second respondent, therefore, take necessary steps by treating this petition as a representation of the petitioner and inform the outcome of any action initiated by him. All this be done within a period of two months from the date of receipt of a copy of this order.

3. With the aforesaid directions, the writ petition is disposed of.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)