

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9926 of 2018

M/s.Raj Petro Specialities Pvt Ltd.,
rep. by its Director Viren B.Nanavati .. Petitioner

-vs-

1.Union of India,
rep. by its Secretary to Government,
Ministry of Commerce,
Udyog Bhavan,
New Delhi-110 011.

2.The Director General of Foreign Trade,
(Chairman, Policy Relaxation Committee)
Government of India, Ministry of Commerce & Industry,
Udyog Bhavan, New Delhi-110 011. .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to dispose of the representation dated 22.02.2017 sent through e-mail and the representation dated 20.02.2018 sent by Registered Post to the respondents, to consider the request of the petitioner for extension of the period of validity of Advance Authorisation (Advance Licence) NO.0410141866 dated 18.12.2012 by taking into consideration that the petitioner had already fulfilled their Export Obligation and that the validity of licence was extended in similar circumstances to Shree Ganesh Metals, Sirmour; BHEL, Bhopal and Hindustan Platinum, Mumbai where the respondents have extended the validity of the licence by 4 years so as to

enable the petitioner to have validity of the licence extended for import of raw materials.

For Petitioner :: Mr.K.Jayachandran

For Respondents :: Mr.J.Madanagopal Rao,
SCGSC

ORDER

The petitioner seeks a direction to the respondents to consider his representation dated 22.02.2017 sent through e-mail and the representation dated 20.02.2018 sent by Registered Post to the respondents for extension of the period of validity of Advance Authorisation (Advance Licence) NO.0410141866 dated 18.12.2012 by taking into consideration that he had already fulfilled the Export Obligation.

2.The case of the petitioner is that he was granted Advance Licence dated 18.12.2012 to import duty free raw materials for manufacture of finished products and to export the same within the time prescribed. However, the Norms Committee approval was granted on 15.10.2014. But the period to fulfill export obligation has been expired on 18.12.2013. Therefore, the petitioner filed applications before the DGFT for relaxing the condition and for extending the validity time of the Advance Licence on 22.02.2017. Since the said DGFT had not taken any steps to consider his representations, the petitioner is before this Court seeking the above prayer.

3.Mr.J.Madanagopal Rao, learned Senior Central Government Standing Counsel sought two weeks to get instructions.

4.This Court, instead of granting two weeks time to get instructions, deems it fit to grant six weeks time to consider the representations made by the petitioner. Accordingly, this writ petition is disposed of directing the respondents to consider the representation given by the petitioner and pass orders, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

Speaking/Non speaking order

23.04.2018

Index : yes/no
vga

To

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2.The Director General of Foreign Trade,
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Government of India, Ministry of Commerce & Industry,
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T.RAJA, J.
vga



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