

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.11046 of 2018

M/s. Kawarlal & Co.,
No.27, Raghunayakula Street,
Park Town,
Chennai - 600 003

by its Proprietor K.Ramlal Jain

..Petitioner

vs.

1. The Director General of Foreign Trade
Govt. of India, Ministry of Commerce,
Udyog Bhawan,
New Delhi - 110 011.

2. The Commissioner of Customs (DFIA),
Custom House, Rajaji Salai,
Chennai - 600 001.

3. The Assistant Commissioner of Customs (DFIA),
Custom House, Rajaji Salai,
Chennai - 600 001.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent herein to revalidate the unused three DFIA licences viz., (1) DFIA License No.0710070530 dated 12.03.2010 (2) DFIA License No.0710070929 dated 15.04.2010 and (3) DFIA License No.0710070930 dated 15.04.2010 issued under SION E1 and E5 by the 1st respondent herein and acquired by the petitioner and standing in their name, as requested by the petitioner herein vide their representation dated 21.11.2017, by virtue of the Judgment of this Court in the case of Hoewitzer Organic Chemical Co., vs. DGFT, New Delhi dated 12.04.2013 as also the Judgment of the Hon'ble Division Bench of the Punjab & Haryana High Court in the case of Pushpanjali Floriculture Pvt. Ltd. -vs- UOI dated 01.07.2016.

For Petitioner : Mr.S.Baskaran

For Respondents : Mr.J.Madana Gopal Rao
Standing Counsel for R1
Mr.A.P.Srinivas,
Standing Counsel for R2

O R D E R

The petitioner seeks for a mandamus to direct the 1st respondent herein to revalidate the unused three DFIA licences viz., (1) DFIA License No.0710070530 dated 12.03.2010 (2) DFIA License No.0710070929 dated 15.04.2010 and (3) DFIA License No.0710070930 dated 15.04.2010 issued under SION E1 and E5 by the 1st respondent herein and acquired by the petitioner and standing in their name, as requested by the petitioner herein vide their representation dated 21.11.2017, by virtue of the Judgment of this Court in the case of Hoewitzer Organic Chemical Co., vs. DGFT, New Delhi dated 12.04.2013 as also the Judgment of the Division Bench of the Punjab & Haryana High Court in the case of Pushpanjali Floriculture Pvt. Ltd. -vs- UOI dated 01.07.2016.

2. A counter affidavit is filed by the first respondent.

3. The petitioner seeks for revalidating the unused three DFIA licences. Whether the petitioner is entitled for revalidating of such unused three DFIA licences or not is for the first respondent to consider and decide. Therefore, this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner. However, as the petitioner has made a representation dated 21.11.2017 for effecting such revalidation, it is for the first respondent to consider the same and pass orders on merits and in accordance with law without loss of further time.

4. Accordingly, this writ petition is disposed of only with a direction to the first respondent to consider the representation of the petitioner dated 21.11.2017 and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Director General of Foreign Trade
Govt. of India, Ministry of Commerce,
Udyog Bhawan,
New Delhi - 110 011.
2. The Commissioner of Customs (DFIA),
Custom House, Rajaji Salai,
Chennai - 600 001.
3. The Assistant Commissioner of Customs (DFIA),
Custom House, Rajaji Salai,
Chennai - 600 001.

+2cc to Mr.S.Baskaran, Advocate, S.R.No.75386
+1cc to Mr.A.P.Srinivas, Advocate, S.R.No.75424
+1cc to Mr.J.Madana Gopal Rao, Advocate, S.R.No.75582

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GJII(CO)
CS/02/11/2018



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