

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.18081 of 2017

M/s. Comstar Automotive Technologies Private Limited,
Represented by its Company Secretary,
Mr.K.Hari Prasath,
Keelkaranai Village, Malrosapuram Post,
Maraimalai Nagar, Chengalpattu - 603204. ... Petitioner

vs.

The Director General of Foreign Trade,
Directorate General of Foreign Trade,
Udyog Bhawan, H-Wing, Gate No-02,
Maulana Azad Road,
New Delhi - 110
011. ... Respondent

Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
to direct the respondent herein to provide reply for the
clarification sought by the petitioner company through
its communication dated 18.03.2016 within a time as may
be stipulated by this Court.

For Petitioner	: Mr.S.Murugappan
For Respondent	: Mr.Venkataswamy Babu Standing Counsel

O R D E R

The petitioner seeks for a mandamus directing the
respondent to provide reply for the clarification sought
by the petitioner company through its communication dated
18.03.2016.

2. Heard Mr.S.Murugappan, learned counsel appearing
for the petitioner and Mr.Venkataswamy Babu, learned
Standing Counsel appearing for the respondent.

3. It is seen that the petitioner by way of their representation dated 18.03.2016 sought a clarification as to whether a 100% EOU, being complied with the provisions of ANF 3E of FTP (i.e., not claiming any direct tax benefits), nor holding zero duty EPCG authorization status, be eligible of benefits of SHIS available under Para 3.16 of FTP.

4. The grievance of the petitioner before this Court is that the said request made by the petitioner seeking for the above clarification is yet to be considered by the respondent. Needless to state that it is for the respondent to consider the above application/representation made by the petitioner and issue proper reply, as this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner touching upon the clarification as sought for in representation dated 18.03.2016.

5. Accordingly, this Writ Petition is disposed of by directing the respondent to consider the representation of the petitioner dated 18.03.2016 and pass orders on the same on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish a copy of the said representation along with this order copy once again and communicate the same to the respondent. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sni
To

The Director General of Foreign Trade,
Directorate General of Foreign Trade,
Udyog Bhawan, H-Wing, Gate No-02,
Maulana Azad Road,
New Delhi - 110 011.

+1cc to Mr. S.Murugappan, Advocate SR.No. 81255
+1cc to Mr.Venkataswamy Babu , Advocate SR.No. 81514

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ASK(19/12/2018)