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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 503/2018**

M/S. KCN EXPORTS LTD.

..... Petitioner

Through: Mr. Suhail Dutt, Senior Advocate
with Mr. Saran Suri, Mr. Namit Suri,
Mr. Azhar Alam & Mr. Sankalp
Goswami, Advocates

versus

THE UNION OF INDIA AND ORS & ANR. Respondents

Through: Mr. Farman Ali, Advocate for
respondent No.1

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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19.01.2018

M/s. KCN Exports Ltd. has filed the present writ petition,
making the following prayers:-

- “a. Issue a writ/direction declaring the said action of Respondent No.2 of creating an artificial/illusionary distinction in respect of Maize that is being imported by the Petitioner under DFIA being without jurisdiction;
- b. Issue a writ/direction setting aside the wrongful, illegal and arbitrary action of Respondent No. 2 of creating an artificial/illusionary distinction in respect of Maize that is being imported by the Petitioner under DFIA;
- c. Quash the said action/s of Respondent No. 2 based on the said artificial distinction between different varieties of Maize to be null and void.”

During the course of hearing, learned counsel for the petitioner had drawn our attention to the Export-Import Policy as well as import licenses granted to the petitioner. It is stated that the imports were in accordance with law.

We observe that the investigation is ongoing and the pleas and contentions raised by the petitioner can be raised before the authorities. This Court cannot at this stage interject and go into the merits and demerits of the pleas raised by the petitioner and respondents. These aspects have to be first examined and considered by the authorities. The Court cannot substitute itself and don the role of an investigator and conduct an inquiry. Power of investigation is vested and conferred by law on the respondents.

We clarify that we have not expressed any opinion on merits, either in favour or against the petitioner or the respondents.

At this stage, learned counsel for the petitioner has drawn our attention to the allegation made in para 11 of the writ petition, that the second respondent is compelling the petitioner to deposit money and coercing the petitioner to admit its liabilities. The respondents, we believe and trust, would and should act in accordance with law. Power and authority to compel payment can be exercised as per and within the statute. No violation should be made.

With the aforesaid observations, we are not inclined to interfere with the investigation and the writ petition is dismissed. We again clarify that we are not commenting on merits.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

JANUARY 19, 2018/tp