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

+ W.P.(C) 655/2018 & CM No.2866/2018

JAGAN NATH VIJAY KUMAR & ANR Petitioners

Through: Mr A. Maitri, Advocate.

versus

UNION OF INDIA & ANR Respondents

Through: Mr Anil Soni, CGSC with Mr Nivesh Sharma, Advocates for R-1 & R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **02.02.2018**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“(i) Direct the Respondent / UOI / CBN to comply with its policy regarding import of poppy seeds from Turkey as per Public Notices No.PS 15/2016 dated 05.12.2016, PS 16/2016 dated 23.12.2016 and to release import and to release import licence/NOC for import of poppy seeds from Turkey;

(ii) Direct the respondent/UOI/CBN to adopt a uniform policy regarding import of poppy seeds from Turkey China and Czech Republic as per their notification No.19(RE-2012) 2009-2014 dated 5th October, 2012.”

2. The principal grievance of the petitioner is that the contracts for import of poppy seeds from Turkey are not being approved and consequently import licences/NOCs for import from Turkey in this regard

are not being issued.

3. Mr Maitri, the learned counsel appearing for the petitioners contends that as per the Policy framed, the import of poppy seeds is to be permitted from three countries, namely, People's Republic of China, Czech Republic and Turkey. He states that whilst imports from People's Republic of China and Czech Republic have been permitted in the years 2015-16, 2016-17 and 2017-18, no licences had been issued for import of poppy seeds from Turkey.

4. The learned counsel appearing for the respondents submitted that the Policy permits import of poppy seeds from Turkey as well; however, no contracts have been approved for import of poppy seeds from Turkey on account of orders passed by the Hon'ble High Court of Karnataka in *M/s OM Traders v. The Union of India: Writ Petition Nos.65486-65487/2016*. He drew the attention of this Court to an order dated 22.12.2016 passed by the Hon'ble High Court of Karnataka in Writ Petition Nos.65486-65487/2016, the operative part of which reads as under:-

"ORDER

The 4th respondent is directed to defer the drawal of lots scheduled to be held on 27.12.2016 at 11:00 AM pursuant to the public notice No.PS-15/2016 dated 5.12.2016 till 5.1.2017 or to any further date after 5.1.2017.

Issue Emergent Notice to the respondents.

List these matter on 3.1.2017."

5. The interim order was continued by an order passed on 18.04.2017, whereby the Court directed as under:-

“Further, in order to protect the interest of all the parties concerned, the competent authority may take into consideration all the applications received and hold the process of drawal of lots in the manner as proposed in the Policy. But, however, no final decision to issue orders in favour of any of the applicants shall be made without further orders from this Court.”

6. He further states that the final arguments in the matter have been heard and the orders have been reserved.
7. In view of the above, the relief as prayed for by the petitioner cannot be granted.
8. The petition and the pending application are, therefore, disposed of.

VIBHU BAKHRU, J

FEBRUARY 02, 2018
MK