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

+ **W.P.(C) 7419/2018**

APPL INDUSTRIES LIMITED AND ORS. Petitioners

Through: Mr Akash Vajpai, Advocate.

versus

**DIRECTOR GENERAL OF FOREIGN TRADE
AND ORS. Respondents**

Through: Mr Vineet Malhotra and Mr
Shubhendu Kaushi, Advocates/
DGFT.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.07.2018**

CM No. 28345/2018

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 7419/2018 and CM No. 28344/2018

3. The petitioner has filed the present petition, *inter alia*, impugning a show cause notice dated 09.01.2018 (hereafter 'the impugned notice') issued by respondent no.2 (Additional Director General of Foreign Trade). By the impugned notice, the petitioner has been called upon to show cause as to why the petitioner should not be placed in the Denied Entry List (DEL). And, further, why fiscal penalty should not be imposed under Section 11(2) of the Foreign Trade (Development and Regulation) Act, 1992.

4. The petitioner states that the impugned notice is premised on the basis that M/s Aalekh Polymers Private Limited – an entity which is now merged with the petitioner company – had failed to perform its export obligations. It is to be noted that the impugned notice has also been issued in the name of

M/s Aalekh Polymers Private Limited.

5. The petitioner states that the allegations made in the show cause notice are *ex facie* incorrect, as the export obligations was limited to only eight times the duty saved. It is stated that the show cause notice indicates that the duty saved is ₹2,97,52,569/-, which is incorrect as, in fact, the duty saved was ₹1,32,84,477/-. It is further stated that part of the said duty was already remitted by the petitioner. The petitioner claims that it has responded to the show cause notice by a letter dated 27.03.2018, but has not received any response thereafter.

6. This Court does not consider it apposite to interfere with the proceedings, as the same are at the stage of show cause notice.

7. The respondents shall consider the petitioner's response to the show cause notice dated 27.03.2018 and take an appropriate decision thereon, if not taken earlier and the same shall be communicated to the petitioner within a period of eight weeks from today. Needless to state that if the petitioner is aggrieved by any such decision, the petitioner would be at liberty to avail of such remedies as available in law.

8. The petition is disposed of in the aforesaid terms. The pending application also stands disposed of.

VIBHU BAKHRU, J

JULY 20, 2018
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