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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 10th October, 2018

+ W.P.(C) 10889/2018

ARUN GUPTA

..... Petitioner

Through: Mr.K.K.Sharma, Sr.Adv. with
Dr.N.Pradeep Sharma, Mr.Harsh Sharma,
Ms.Vaibhavi Sharma, Mr.Vivek Punia,
Mr.P.A.Gogoi, Advs.

Versus

THE DIRECTOR GENERAL OF
FOREIGN TRADE AND ORS.

..... Respondents

Through: Mr.Amit Mahajan, CGSC with
Mr.Sushil Kumar Pandey, Mr.Randeep Singh
Sachdeva, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

J U D G M E N T

Rajendra Menon, Chief Justice (Oral):

1. The petitioner has filed this public interest litigation and the prayer made in the writ petition reads as under:-

“(a) Issue a writ of Mandamus or any other appropriate writ order or direction to the Respondent to implement the Notification bearing No.29/2015 – 2020 dated 30.08.2018 and also issue any other appropriate writ, taking necessary steps/issuing directions to get the order of Government of India, Ministry of Commerce and Industry, Department of Commerce, Udyog Bhawan, New Delhi vide Trade Notice 29/2015 – 2020 dated 30.08.2018, to the concerned authorities to take remedial steps in curbing and misinterpretation of laws/by laws in relation to import/business under the category of restricted items, as per various notifications, Government of India and

treating such business as *ultra vires*, with all its consequences etc. particularly against the erring persons/officials/importers of India in the caption matter.”

2. The grievance of the petitioner is that with regard to exempted items, the provisions of the said circular are being misused and restricted items as per various notifications of the Government are being brought into the country and smuggling and violations of the circular is rampant. Seeking a *mandamus* as indicated hereinabove, the writ petition has been filed.
3. Except for making vague allegations and general averments with regard to misuse of the circulars in question, the petition has been filed in public interest with the prayer as indicated hereinabove.
4. In a public interest litigation general directions, as prayed for, cannot be granted when there are statutory provisions and laws in place for preventing smuggling and violations of circulars. That being so, in a public interest litigation, we are not inclined to interfere into the matter.
5. The petition is dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

OCTOBER 10, 2018
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