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

+ **LPA 632/2018**

SHASHI CABLES LTD.

..... Appellant

Through: Mr.Sudhir Nandrajog, Sr.Adv. with
Mr.Pramod Kumar Singh, Adv.

Versus

DIRECTORATE GENERAL OF FOREIGN
TRADE (DGFT) & ANR.

..... Respondents

Through: Mr.Akshay Makhija, CGSC with
Ms.Kriti Awashthi, Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **19.11.2018**

C.M.No.47435/2018 (exemptions)

Allowed, subject to all just exceptions.

LPA 632/2018

1. Seeking exception to an order dated 26th September, 2018 passed by the writ Court in W.P.(C) No.10193/2018, this appeal has been filed under Clause 10 of the Letters Patent. The writ petition was filed by the appellant as the Policy Relaxation Committee constituted under paragraph 2.57 (b) of the Foreign Trade Policy (FTP) under the Directorate General of Foreign Trade ('DGFT') rejected the appellant's application for extension of validity of period with regard to duty free import authorization granted to the appellant. The appellant had claimed the extension on the basis of genuine

hardships, the extension, as per rule, is granted on the basis of the provisions contained under the FTP. Finding that the appellant, within the validity period of import authorization, that is, 24 months did not carry out import obligation, rejected the prayer on the ground that the appellant has failed to carry out the obligations under the authorization granted within its validity period.

2. Even though the appellant pleaded genuine hardships on commercial consideration as a reason for extension, the learned writ Court examined the statutory provisions and found that the DGFT has provided cogent reasons for not extending the terms of the duty free import authorization and held that the discretion exercised by the DGFT is in accordance with law. In our considered view, the learned writ Court has not committed any error in passing the impugned order. The discretion exercised by the DGFT being in accordance with the requirement of law, no case is made out for granting any indulgence into the matter.

3. The appeal is, therefore, dismissed.

CHIEF JUSTICE

V. KAMESWAR RAO, J

NOVEMBER 19, 2018

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