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

+ W.P.(C) 11001/2017

T T LIMITED

..... Petitioner

Through: Ms Shilpi Jain Sharma and Mr Mukul
Sharma, Advocates.

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr Kirtiman Singh, CGSC with Mr
Waize Ali Noor, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.10.2018**

1. The petitioner has filed the present petition, *inter alia*, impugning the communication dated 09.11.2017, whereby the petitioner's request for grant of Duty Credit Scrip under Incremental Export Incentivisation Scheme on an annual basis for the exports made during the year 2013-14 has been rejected.
2. It is seen that the impugned communication is premised on the notification dated 25.09.2013, whereby the benefit of the Duty Credit Scrip was restricted to ₹1 crore. The said controversy is squarely covered by the decision of the Division Bench in *M/s Welldone Exim Pvt. Ltd. v. Directorate General of Foreign Trade & Anr.: W.P.(C) 5082/2017* and other connected matters decided on **12.04.2018**. The operative part of the said decision reads as under:-

“12. In view of the aforesaid discussion, the present writ petitions are allowed with a direction to the Regional Authority

to examine the case of the petitioner for grant of export incentive and pass a reasoned and speaking order. The application would not be rejected on the ground that total amount being claimed exceeded Rs.1 crore during the financial year 2013-14. However, the greater scrutiny in terms of clause (ii) of paragraph 3.14.5 (c) [sic] read with paragraph 3.8.3 (e) (ii) would be undertaken. The aforesaid exercise would be completed within 10 weeks from the date copy of this order is served on the respondent. There would be no order as to costs.”

2. In view of the above, the present petition is allowed and the impugned communication dated 09.11.2017 is set aside. The respondent is directed to re-examine the petitioner’s request for an export in terms of the decision of the Division Bench of this Court in *M/s Welldone Exim Pvt. Ltd. (supra)*. In other words, the application would not be rejected on the ground that the incentive claimed exceeds ₹1 crore but would bear greater scrutiny in terms of clause (ii) of paragraph 3.14.5(c) of the Foreign Trade Policy. The aforesaid exercise would be completed within a period of four weeks from today.

3. The petition is disposed of.

VIBHU BAKHRU, J

OCTOBER 05, 2018
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