

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.09.2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No. 36516 of 2006

1. M/s.Hadimba International Limited,
MF-6, Developed Plots,
Thiru-vi-ka Industrial Estate,
Ekkaduthangal,
Chennai - 600 097.
Rep. By its Managing Director,
Mr.Vijayakumar Dar.
2. Mr.Vijayakumar Dar,
132 Greenways Road,
R A Puram, Chennai - 600 028. ... Petitioners

vs.

1. The Registrar,
The Appellate Tribunal for Foreign Exchange,
4th Floor, B Wing,
Janpath Bhavan, Janpath,
New Delhi - 110 001.
2. The Deputy Director,
Enforcement Directorate,
Southern Zone,
Shastri Bhavan,
IIIrd Floor, III Block,
26, Haddows Road, Chennai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 1st respondent in Appeal Nos. 123 & 124 of 2002 and quashing the order of the 1st respondent dated 06.06.2006 in Appeal Nos. 123 & 124 of 2002.

For Petitioner : Mr. Hema Srinivasan

For Respondent : Mr.Rajnish Pathiyil for R2

ORDER

(Order of the Court was made by Mr.V.BHARATHIDASAN, J.)

Challenging the order passed by the first respondent Appellate Tribunal dated 06.06.2009 made in Appeal Nos. 123 & 124 of 2004 passed under Section 52 of the Foreign Exchange Regulations Act and quashing the same, the present writ petition has been filed.

2. Heard the learned counsel appearing for petitioner and the learned counsel appearing for second respondent.

3. The learned counsel for second respondent submitted that against the order of appellate authority, only an appeal lies to the High Court on question of law. The learned counsel for second respondent would rely upon the judgment of the Supreme Court in the case of Raj Kumar Shivhare Vs. Assistant Director, Directorate of Enforcement and Ors. [reported in (2010) 4 SCC 772].

4. The learned counsel appearing for petitioner would submit that she may be permitted to withdraw the writ petition with liberty to file an appeal and pendency of the writ petition can be considered for the purpose of limitation.

5. Considering the facts and circumstances, the petitioner is permitted to withdraw the writ petition with liberty to file an appeal under Section 54 of the Act within a period of four weeks from the date of receipt of a copy of this order. In so far as the question of limitation is concerned, it should be considered taking into account the pendency of the writ petition, sympathetically having regard to the provision of Section 14 of the Limitation Act.

6. The above writ petition is dismissed as withdrawn with a liberty to the petitioner to file an appeal under Section 54 of the Act. No costs.

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Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

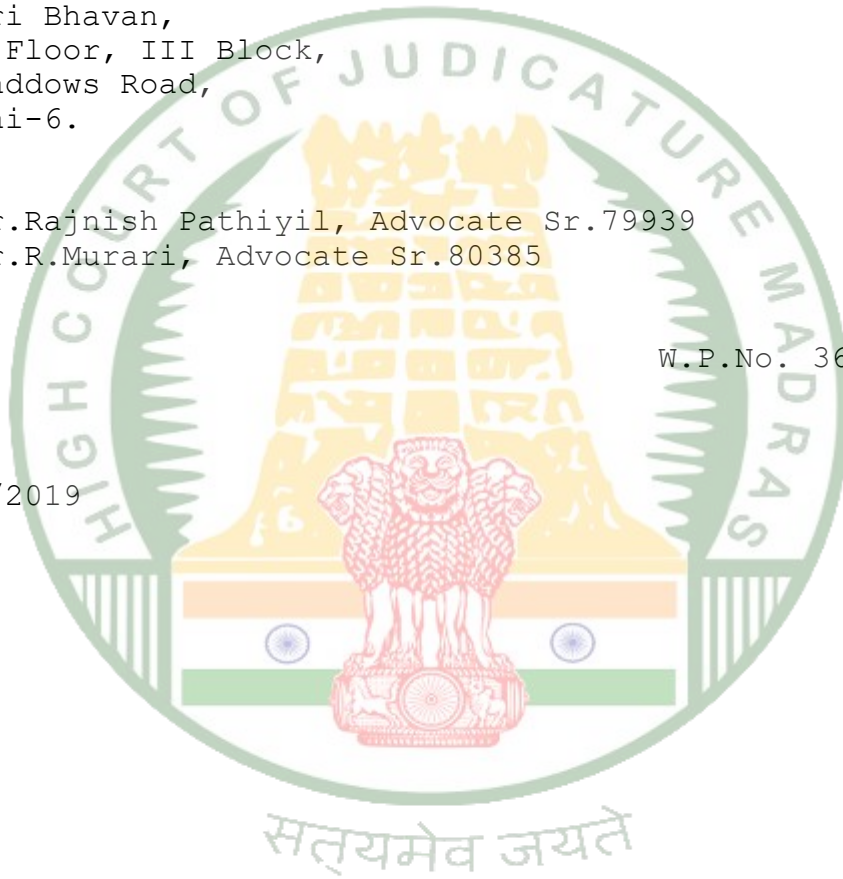
To

1. The Registrar,
The Appellate Tribunal for Foreign Exchange,
4th Floor, B Wing,
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New Delhi - 110 001.
2. The Deputy Director,
Enforcement Directorate,
Southern Zone,
Shastri Bhavan,
IIIrd Floor, III Block,
26, Haddows Road,
Chennai-6.

+lcc to Mr.Rajnish Pathiyil, Advocate Sr.79939
+lcc to Mr.R.Murari, Advocate Sr.80385

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ca[co]
srg 31/10/2019



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