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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.29833 of 2008

and

M.P.No.1 of 2008

Alpha Amins Pvt.Ltd.,
Rep. by its Director M.Vimala,
123, Royapettah High Road,
Mylapore, Chennai - 14.

...Petitioner

Vs.

1. The Asst. Commissioner of Customs,
DEEC - Group 7,
Customs House,
Rajaji Salai, Chennai - 1.
2. The Director General of Foreign Trade,
Udyog Bhavan,
New Delhi - 1.
3. The Zonal Joint Director General of
Foreign Trade,
4th & 5th Floors,
Shastri Bhavan Annex,
26, Haddows Road, Chennai.
4. The Joint Director and Member Secretary,
Regional Sub-Committee on
Quality Complaints, (RSCQC)
Chennai Region,
Export Inspection Agency - Chennai,
6th Floor, CMDA Tower-II,
1, Gandhi Irwin Road,
Egmore, Chennai - 8.
5. The Official Liquidator,
Madras High Court.

...Respondents

(5th respondent suo motu impleaded
vide order dated 24.07.2019 passed
in this Writ Petition)

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a writ of Mandamus,



directing the 3rd and 4th respondents to call for a meeting of RSCQC within a specific time, by inviting the petitioner and a representative of the overseas buyer to the meeting and hear the views of the petitioner and the representative of the Foreign Buyer M/s.Indukern Chemie AG, and to pass suitable orders or directions for payment of installments by the petitioner in favour of M/s.Indukern Chemie, AG., Switzerland, on the pending quality complaint.

For Petitioner : Mr.S.Sathiaseelan
For Respondents : Mr.V.Sundareswaran, SSC
for R1
Mr.J.Madanagopal Rao, SCGSC
for R2 & R3
Mr.R.Thirugnanam
for R4

ORDER

The grievance of the petitioner is that in connection with a issue of quality complaint, a demand was sought to be made against the petitioner, when he had requested the 4th respondent to convene a meeting of Regional Sub-Committee on Quality Complaints, (RSCQC). Since his request was not considered, the present writ petition has been filed, seeking for issuance of writ of Mandamus to call for such a meeting.

2. Today, when the matter was called, the learned counsel for the 4th respondent submitted that pending the writ petition, the petitioner Company was wound up and an Official Liquidator attached to the Madras High Court has been appointed as the Liquidator to the Company, by an order dated 11.11.2009 made in Company Petition No.274 of 2004.

3. In view of the submission made by the learned counsel for the 4th respondent, the Official Liquidator, Madras High Court is suo motu impleaded as a party respondent in the present writ petition.

4. In my view, it would not be appropriate to consider the prayer sought for in the present writ petition at this belated stage and that if liberty is granted to the Official Liquidator to make a representation in order to resolve the dispute, the ends of justice would be secured.

5. In the light of the above observations, the writ petition stands closed, with liberty to the Liquidator of the petitioner Company to ventilate their grievances through a separate representation to the 3rd and 4th respondents and on receipt of such a representation, the concerned respondent shall pass



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appropriate orders, in accordance with law, as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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Rajaji Salai, Chennai - 1.
2. The Director General of Foreign Trade,
Udyog Bhavan, New Delhi - 1.
3. The Zonal Joint Director General of Foreign Trade,
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Export Inspection Agency - Chennai,
6th Floor, CMDA Tower-II,
1, Gandhi Irwin Road,
Egmore, Chennai - 8.
5. The Official Liquidator,
Madras High Court.

+1 cc to M/s.R.Thirugnanam, Advocate Sr.No. 63234
+1 cc to M/s.L.Sundareeswaran, Advocate Sr.No. 63500

AKM/27.09.19/3P-8C/

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