

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2019

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P.No. 36371 of 2004

and

W.P.M.P. 43699 of 2004

M/s.Rajnarayan Hosiery Exports (P) Ltd.,
Rajananarayan Towers,
70, Race Course Road,
Coimbatore,
rep. by its Managing Director
Kasi V. Thiagarajan

... Petitioner

Vs.

1. The Appellate Tribunal for
Foreign Exchange,
4th Floor, B Wing,
Janpath Bhavan, Janpath,
New Delhi - 110 001.

2. The Deputy Director,
Enforcement Directorate,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 06.01.2004 passed by the 1st respondent in Appeal No.277 of 2003 and quash the same and consequently direct the respondents to refund the sum of Rs.50,000/- deposited by the petitioner in connection with the above appeal.

For Petitioner : Mr.Abubacker Siddiq

For Respondent : Mr.Parivallal for R2

ORDER

This Writ Petition has been filed challenging the order passed by the first respondent Appellate Tribunal dated 06.01.2004 made in Appeal No.277 of 2003 passed under Section 52 of the Foreign Exchange Regulation Act, 1973 (hereinafter called as 'Act').

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. Considering the fact that as an alternative remedy of further appeal is provided under Section 54 of the Act, this Court is of the view that, the petitioner cannot invoke the writ jurisdiction of this court to challenge the decision or order of the Appellate Board constituted under the Act.

5. In view of the above, this Writ Petition is dismissed. However, a liberty is granted to the petitioner to file an appeal under Section 54 of the Act. In so far as the question of limitation is concerned, it is for the appellate court to consider the delay in filing further appeal sympathetically having regard to the provision of Section 14 of the Limitation Act. No costs. Consequently, the connected Writ Petition Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Appellate Tribunal for
Foreign Exchange,
4th Floor, B Wing,
Janpath Bhavan, Janpath,
New Delhi - 110 001.

2. The Deputy Director,
Enforcement Directorate,
Chennai-600 006.

+2cc to Mr.Parivallal, Advocate SR.81680

W.P.No. 36371 of 2004

RV(CO)
CB(11/11/2019)