

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 7670, 7685, 7691 and 7696 of 2019

and

W.M.P. Nos.8302, 8305, 8309, 8315, 8317, 8318, 8330 to
8332, 8334, 8336 and 8337 of 2019

M/s.Rajni Exports & Imports,
Rep. By its Partner,
Rajiv Naaram,
Nos. 157 & 158, First Floor-B,
Srinivasankumar Street,
Golden George Nagar,
Nerkundram,
Chennai 600 107.

... Petitioner in
W.P. Nos. 7670 & 7685 of 2019

M/s.Niraj Agro Foods
Rep. By its Managing Partner,
Mr. Munirathnam Naaram,
No.157 & 158, First Floor-B,
Srinivasankumar Street,
Golden George Nagar,
Nerkundram,
Chennai 600 017.

... Petitioner in
W.P. Nos. 7691 & 7696 of 2019

-vs-

- 1.The Director General of Foreign Trade
Ministry of Commerce & Industries,BSF,
Department of Commerce,
Udyog Bhavan, H Wing, Gate No.2,
Maulana Azad Road,
New Delhi 110 011.
- 2.The Joint Director General of Foreign Trade,
Ministry of Commerce & Industries,
Department of Commerce,
Udyog Bhavan, H Wing, Gate No.2,
Maulana Azad Road,
New Delhi 110 011.

3.The Commissioner of Customs,
Chennai II Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai 600 001.

... Respondents in all W.Ps.

Prayer in W.P. No. 7670 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to notification No.22/2015-2020 dated 21.08.2017 and notification No.06/2015-2020 dated 04.05.2018 issued by the 1st Respondent read with Trade Notice No.19/2018 dated 25.10.2017 and the Trade Notice No.6/2018-2019 dated 11.05.2018 bearing F.No.M-5012/300-2002-PC-2(A) and F.No.01/89/180-Misc.13/AM-07/PC-2(A) issued by the 2nd Respondent, quash the same and consequently direct the 3rd respondent to permit clearance of 10000 MTs of Black Matpe falling under Exim Code 07133100 in terms of Sales Contract No.712/2018-19 dated 19.01.2019.

Prayer in W.P. No. 7685 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to notification No.22/2015-2020 dated 21.08.2017 and notification No.06/2015-2020 dated 04.05.2018 issued by the 1st Respondent read with Trade Notice No.19/2018 dated 25.10.2017 and the Trade Notice No.6/2018-2019 dated 11.05.2018 bearing F.No.M-5012/300-2002-PC-2(A) and F.No.01/89/180-Misc.13/AM-07/PC-2(A) issued by the 2nd Respondent, quash the same and consequently direct the 3rd respondent to permit clearance of 25000 MTs of Black Matpe falling under Exim Code 07133100 in terms of Sales Contract No.190309 dated 09.03.2019.

Prayer in W.P. No. 7691 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to notification No.19/2015-2020 dated 05.08.2017 issued by the 1st Respondent and the Trade Notice No.15/(2015-2020) dated 31.08.2017 to implement the same passed by the 2nd Respondent relating to Exim Code 0713 6000 so far it relates to Toor whole and the further notification No.06/2015-2020 dated 04.05.2018 issued by the 1st Respondent so far it relates to Exim Code 07139010 as well as Trade Notice No.06/2018-2019 dated 11.05.2018 passed by the 2nd respondent quash the same and consequently, direct the 3rd respondent to permit clearance of 25000 MTs of Toor whole falling under Exim Code 0713 6000 in terms of Sales Contract No.190309/1 dated 09.03.2019.

Prayer in W.P. No. 7696 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to notification No.19/2015-2020 dated 05.08.2017 issued by the 1st Respondent and the Trade Notice No.15/(2015-2020) dated 31.08.2017 to implement the same passed by the 2nd Respondent relating to Exim Code 0713 6000 so far it relates to Toor whole and the further notification No.06/2015-2020 dated 04.05.2018 issued by the 1st Respondent so far it relates to Exim Code 07139010 as well as Trade Notice No.06/2018-2019 dated 11.05.2018 passed by the 2nd respondent quash the same and consequently, direct the 3rd respondent to permit clearance of 10000 MTs of Toor whole falling under Exim Code 0713 6000 in terms of Sales Contract No.713/2018-19 dated 19.01.2019.

For Petitioner : Mr. G. Ethirajulu

For Respondents: Mr. J. Madanagopal Rao, (for R1 & R2)
Central Government Standing Counsel

Mr. V. Sundareswaran, (for R3)

C O M M O N O R D E R

Since the prayer sought for by the Petitioners in these Writ Petitions is to quash the notifications and the consequential trade notices issued either by the Director General of Foreign Trade (DGFT) or the Joint Director of Foreign Trade, they are taken up for hearing together and disposed of by this common order.

2. It is brought to the notice of this Court by the Learned Central Government Standing Counsel appearing for the First and Second Respondents that the similar orders passed in respect of identically placed persons which were impugned in the Writ Petitions have already been upheld by this Court by a detailed order dated 04.04.2019 in W.P. Nos. 15291 to 15294 of 2018 etc., batch.

3. In view of the aforesaid decision which binds this Court, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director General of Foreign Trade
Ministry of Commerce & Industries,BSF,
Department of Commerce,
Udyog Bhavan, H Wing, Gate No.2,
Maulana Azad Road,
New Delhi 110 011.
- 2.The Joint Director General of Foreign Trade,
Ministry of Commerce & Industries,
Department of Commerce,
Udyog Bhavan, H Wing, Gate No.2,
Maulana Azad Road,
New Delhi 110 011.
- 3.The Commissioner of Customs,
Chennai II Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai 600 001.

+1cc to Mr.J.Madana Gopal Rao , Advocate SR.No. 80625
W.P. Nos. 7670, 7685, 7691 and 7696 of 2019
A.SK(10/10/2019)