

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.18840, 26361, 26452 and 26458 of 2018
and 380 and 672 of 2019
and connected W.M.Ps

- 1 M/S.ROYAL IMPEX,
NO.28, ACHARAPPAN STREET,
2ND FLOOR, CHENNAI-1,
REP BY ITS PARTNER SMT.MARIYAM SIRAJ
... PETITIONER IN W.P.NO.18840 OF 2018
- 1 BEST DHALL MILL
REP. BY PROPRIETOR MS.C.DEVASENA NO.782/2
T.H.ROAD TONDIARPET CHENNAI-81
... PETITIONERS in WP Nos.26361, 26452, 26458 of 2018
- 1 M/S.MAHALAKSHMI TRADERS
REP.BY PROPRIETOR MR.B.THANGARAJAN
NO.161/ 3 ADAMS SAHIB STREET ROYAPURAM
CHENNAI - 600013 ... PETITIONER in WP No.380 of 2019
- 1 M/S.ARIHANT OVERSEAS
REP BY ITS PROPRIETOR ANIL KUMAR JAIN 32
ARCHARAPPAN STREET CHENNAI 1
... PETITIONER in WP No.672 of 2019
- Vs.
1. The 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.
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.
- .. Respondents in 1 & 2 in All WPs

3. The Additional Director General of Foreign Trade,
4th and 5th Floor, Shastri Bhavan Annex Building,
26, Haddows Road, Chennai-600 006.

.. 3rd Respondent in WP.No.18840 of 2018

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

.. 4th Respondent in WP.No.18840 of 2018

.. 3rd Respondent
(in WP.No.26361 of 2018,
26452 & 26458 of 2018,
380 and 672 of 2019)

Prayer:-

WP.No.18840 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for records in and connected with Notification No.15/2015-2020 dated 02.07.2018 issued from F.No.M-5012/300/2002-PC 2(A)/Part-VI/E-9019 read with Trade Notices No.19/2018-2019 dated 05.07.2018 No.21/2018-19, dated 06.07.2018 attributable to the 1st and 2nd respondents and quash the same and further direct the 4th respondent to permit clearance of 10000 MTs of Yellow Peas/Green Peas/Dun Peas/Kaspa Peas (Assorted Quality) falling under EXIM Code 07131000 in terms of Sales Contract No.786/S-07545-YWP, dated 20.06.2018.

WP No.26361 of 2018:-

Calling for records in and connected with Notification No.22/2015-20 dated 21.08.2017 and Notification No.6/2015-20 dated 04.05.2018 read with Trade Notice No.19/2018 dated 25.10.2017 and Trade Notice No.06/2018-19 dated 11.05.2018 bearing reference F.No.M-5012/300/2002-PC 2(A) and F.A.No.01/89/180/Misc-13/AM-07/PC-2 (A) attributable to the 1st and 2nd respondents and quash the same and further direct the 3rd respondent to permit clearance of about 1200 MTS of Myanmar Toor Whole 2017-2018 Crop falling under Exim Code 0713 in terms of Sales Contract No.313/2018 dated 14.07.2018

WP No.26452 of 2018:-

Calling for records in and connected with Notification No.22/2015-20 dated 21.08.2017 and Notification No.6/2015-20 dated 04.05.2018 read with Trade Notice No.19/2018 dated 25.10.2017 and Trade Notice No.06/2018-19 dated 11.05.2018 bearing reference F.No.M-5012/300/2002-PC 2(A) and F.A.No.01/89/180/Misc-13/AM-07/PC-2 (A) attributable to the 1st and 2nd respondents and quash the same and further direct the 3rd respondent to permit clearance of about 5000 MTS of Myanmar Black Matpe(SQ)(Urad)-CROP 2018 falling under Exim Code 0713 in terms of Sales Contract No.311/2018 dated 16.07.2018

WP No.26458 of 2018:-

Calling for records in and connected with Notification No.22/2015-20 dated 21.08.2017 and Notification No.6/2015-20 dated 04.05.2018 read with Trade Notice No.19/2018 dated 25.10.2017 and Trade Notice No.06/2018-19 dated 11.05.2018 bearing reference F.No.M-5012/300/2002-PC 2(A) and F.A.No.01/89/180/Misc-13/AM-07/PC-2 (A) attributable to the 1st and 2nd respondents and quash the same and further direct the 3rd respondent to permit clearance of about 5000 MTS of Myanmar Black Matpe(FAQ)(Urad)-CROP 2018 falling under Exim Code 0713 in terms of Sales Contract No.312/2018 dated 16.07.2018

WP No.380 of 2019:-

Calling for records in and connected with Notification No.22/2015-20 dated 21.08.2017 and Notification No.6/2015-20 dated 04.05.2018 read with Trade Notice No.19/2018 dated 25.10.2017 and Trade Notice No.06/2018-19 dated 11.05.2018 attributable to the 1st and 2nd Respondents and quash the same and further direct the 3rd respondent to permit clearance of about 3000 MTS of Myanmar BLACK MATPE (SQ) and 3000 MTS of Myanmar BLACK MATPE (FAQ) (Urad) falling under Exim Code 07133100 in terms of Sales Contract No. MIG/ 0296/ 18 dated 07.12.2018

WP No.672 of 2019:-

Calling for records in and connected with Notification No.22/2015-2020 dated 21.8.2017, and Notification No.06/2015-2020 dated 4.5.2018 read with Trade Notice No.19/2018 dated 25.10.2017 read with Trade Notice No. 06/2018-2019 dated 11.5.2018 and Trade Notice No. 29/2015-2020 dated 30.8.2018 bearing No. F.No.M-5012/300/2002-PC 2 (A) and F.NO.01/89/180/Misc.13/ AM-07/PC-2(A) attributable to the 1st and 2nd respondents and quash the same and further direct the 3rd respondents to permit clearance of about 5000 MTS (Approximately) of Black Mapte / Urad under Exim Code 0713 3100 in terms of Sales Contract NO.CDPL3207 dated 5.12.2018

For Petitioner in : Mr.Vijay Narayan, Senior Counsel
(in All WPs) for Mr.B.Sathish Sundar

For Respondents : Mr.G.Rajagopalan,
(in All WPs) Additional Solicitor General of India
assisted by Mr.J.Madhanagopal Rao,
Senior Panel Counsel for RR 1-3

Ms.Aparna Nandakumar, CGSC for R4

C O M M O N O R D E R

This Court disposed of a batch of writ petitions today with the lead writ petition being : W.P.No.15921 of 2018, etc. negating the prayer of the similarly placed petitioners.

2. Accordingly, following the said order dated 04.04.2019 in W.P.No.15921 of 2018 etc. batch, these writ petitions are also dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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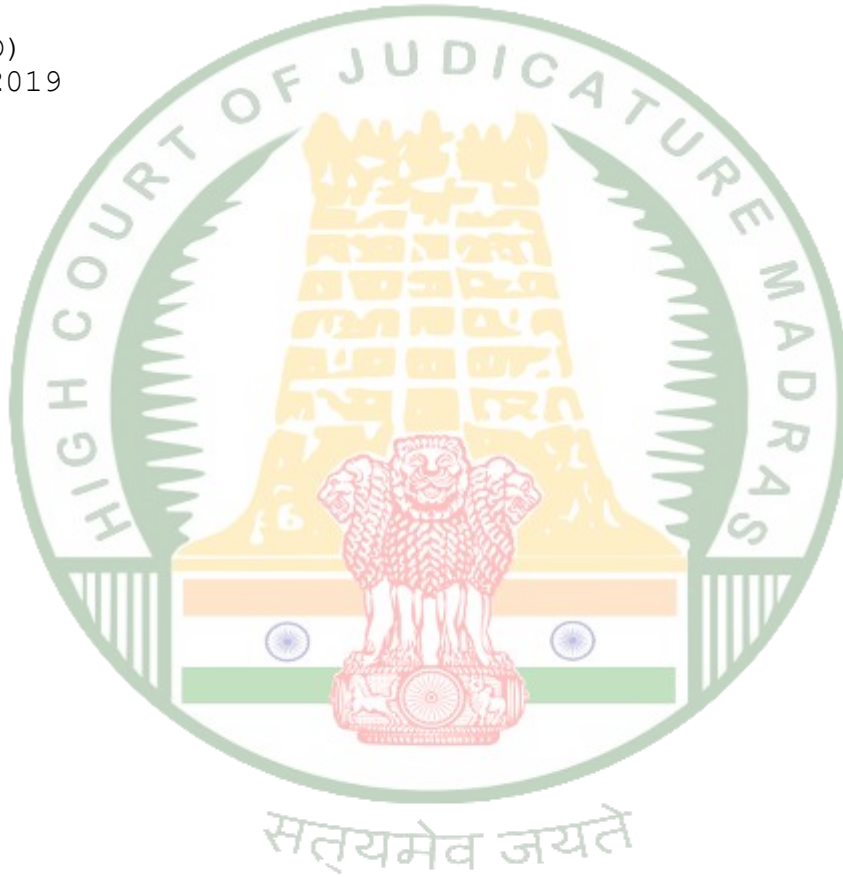
To

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

3. The Additional Director General of Foreign Trade
4th and 5th Floor, Shastri Bhavan Annex Building
26, Haddows Road, Chennai-06.
4. The Commissioner of Customs,
Chennai II Commissionerate,
Custom House, 60, Rajaji Salai,
Chennai-01.

W.P.Nos.18840 26361, 26452
and 26458 of 2018
and 380 and 672 of 2019

SV & VD(CO)
CS/03/07/2019



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