Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No.299 of 2020 Date of Order: 09.11.2020

Green Valliey Industries & Another **Vs.** Union of India & 2 Others.

Coram:

Hon'ble Mr. Justice Ranjit More, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Adv.

For the Respondent(s) : Dr. N. Mozika, ASG

Heard Mr. K. Paul, learned counsel for the petitioner and Mr. N. Mozika learned Senior counsel for the respondents.

The petitioner by filing this petition under Article 226 of the Constitution of India seeks to challenge the inaction on the part of the respondents to decide upon their Representations/Applications dated 17-10-2019 and 17-02-2020.

It is the case of the petitioner that it procured various capital goods on various concessional duty under cover EPCG Licenses against a condition that it would export 8 times the duty saved. However, due to various commercial difficulties, the petitioner could not fulfil the entire export obligation and hence, earlier filed applications before the EPCG Committee for granting various reliefs in fulfilment of export obligation. It is also the case of the petitioner that EPCG Committee on 30-08-2019 rejected the petitioner's application for various reliefs. It is the specific case of the petitioner that EPCG Committee did not discuss or provide any findings with respect to the relief of various obligation to the extent of 25 per cent as extended to all units located in the North-East vide insertion of Para 5.12 in the Foreign Trade Policy in 2009-2014.

The petitioner being aggrieved by the decision of the EPCG Committee, filed application on 17-10-2019 before the DGFT claiming

various reliefs in fulfilment of export obligation. The petitioner also subsequently on 17-02-2020 filed an Application under Para 2.59 of the Foreign Trade Policy 2015-2020, *inter alia*, seeking relief of reduced export obligation as per Para 5.12 of the Foreign Trade Policy 2009-2014. Since, both these Applications dated 17-10-2019 and 17-02-2020 are not decided till today by DGFT, petitioner has approached this Court for redressing limited relief seeking direction to respondent No.1 to decide those Applications.

Mr. Mozika, learned Senior counsel for the respondents submits that appropriate order may be passed.

In the above said facts and circumstances, in my considered view, the interest of justice can be subserved by directing respondent No.2, the Chairman, DGFT to decide petitioner's said Applications dated 17-10-2019 and 17-02-2020 as expeditiously as possible and in any case, within the period of 4 (four) weeks from the date of the receipt of the order. Ordered accordingly.

It is made clear that I have not gone into the merits of the matter and the said Applications of the petitioner shall be decided in accordance with law. All the points and contentions of the respective parties expressly kept open. Needless to mention that the said Applications shall be decided after giving an opportunity of hearing to the petitioner.

Judge

Meghalaya
09.11.2020
"Biswarup PS"