

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

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

W.P. No. 16439 of 2016

and

W.M.P. No. 14208 and 14209 of 2016

M/s. New Chennai Township Private Limited,
A Company registered under the Companies Act,
Represented by its Authorised Signatory Mr. K.R.Swaminathan,
Having Office at Marg Axis,
4/318, Rajiv Gandhi Road,
Kottivakkam,
Chennai - 600 041.

... Petitioner

-vs-

1. The Appellate Authority,
Ministry of Commerce and Industry,
Department of Commerce,
New Delhi.

2. The Development Commissioner,
O/o the Development Commissioner,
MEPZ, Special Economic Zone,
Tambaram,
Chennai - 600 045.

3. The Authorized Officer,
New Chennai Town Ship (P) Ltd.,
Multi Services SEZ,
Swarnabhoomi - 603 305,
Kancheepuram District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari,
calling for the records and quash the impugned order dated
15.02.2016 passed by the Second Respondent in his proceedings
No. 9/43/2006/Pvt. SEZ. II dt. /772.

For Petitioner : Mr. D.Baskar

For Respondents: Mr. D.Simon,
Central Government Standing Counsel

O R D E R
(through video conference)

Heard Mr. D.Baskar, Learned Counsel for the Petitioner and Mr. D.Simon, Learned Central Government Standing Counsel appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition challenges the Order No. 9/43/2006/PVT.SEZ.II Dt./772 dated 15.02.2016 passed by the Second Respondent.

3. Learned Central Government Standing Counsel appearing for the Respondents submits that the impugned order itself provides that the appeal against that order lies before the Appellate Committee in the Ministry of Commerce and Industry, Department of Commerce, New Delhi under Section 15 of the Foreign Trade (Development and Regulation) Act, 1992. Learned Counsel for the Petitioner states that the Petitioner has also filed such appeal, but as no interim stay was order passed in that appeal, the Petitioner had filed this Writ Petition and interim order was passed on 29.04.2016 till filing of counter within six weeks. It is further informed that the said appeal is posted on 03.12.2020 for next hearing.

4. Having regard to the fact that the Petitioner has filed statutory appeal against the order impugned in this Writ Petition before the concerned authority, there is no justification to entertain in the Writ Petition. It is clarified that no coercive action in furtherance to the impugned order shall be taken against the Petitioner by the Respondents till further orders in that appeal are passed and communicated to the parties. It is needless to add here that the Appellate Authority is not precluded from passing any order, final or interim, in the aforesaid appeal and that no view has been expressed by this Court in this regard.

5. The Writ Petition is dismissed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vjt/dm

To

1. The Appellate Authority,
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Department of Commerce,
New Delhi.
2. The Development Commissioner,
O/o the Development Commissioner,
MEPZ, Special Economic Zone,
Tambaram,
Chennai - 600 045.
3. The Authorized Officer,
New Chennai Tow Ship (P) Ltd.,
Multi Services SEZ,
Swarnabhoomi - 603 305,
Kancheepuram District.

+lcc to Mr.D.Simon, Advocate, sr no.36636

W.P. No. 16439 of 2016

PP(CO)
RMP(02/12/2020)