

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.4528 of 2020 and

WMP No.5374 of 2020

Rini Machines,
Represented by its Proprietrix
Ms.Stella Tamilarasu,
Factory D.No.4/161, Periamathampalayam,
Bilichi Post,
Coimbatore - 641 019. .. Petitioner

..Vs..

1. The Joint Director General of Foreign Trade,
Ministry of Commerce & Industry,
1544, India Life Building (Annexe)
I Floor, Trichy Road,
Coimbatore,
2. The District Collector,
State Bank Road, Gopalapuram,
Coimbatore - 641 018.
3. The Tahsildar,
Taluk Office - Coimbatore North,
Dr.Balasundaram Road,
ATT Colony, Gopalapuram,
Coimbatore - 641 018. .. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the case relating to the impugned order in Original F.No.32/21/021/01736/AM06 dated 09.05.2018 issued by the first respondent and to quash the same and give a fresh hearing.

For Petitioner : Mr.J.Shankar Raman

For Respondents : Mrs.B.Sudhir Kumar (for R1)

Central Government Standing Counsel

O R D E R

The writ petition has been filed in the nature of Certiorari, calling for the records of the case relating to the

impugned order in Original F.No.32/21/021/01736/AM06 dated 09.05.2018 issued by the first respondent and to quash the same.

2. The petitioner is a proprietrix firm run by a woman Entrepreneur, coming under MSME category and started in the year 1995. The petitioner is engaged in the manufacture of precision components for automobiles, textiles and other sectors.

3. The grievance of the petitioner is that a show case notice was issued on 14.06.2016 by the 1st respondent to impose penalty under Section 11 (2) and 11 (4) of the Foreign trade (Development and Regulation) Act, 1992. Thereafter, the first respondent passed the impugned notice dated 09.05.2018. Even though the petitioner had explained the factual position for condoning the penalty and sought for a hearing to explain in person, there was no response and the impugned notice dated 09.05.2018 was passed.

4. It is claimed that no order can be passed without hearing the aggrieved parties, but however, the impugned order has been passed without giving a personal hearing.

5. In view of the above, this Court is inclined to remit the matter back to the 1st respondent for fresh hearing, after giving notice to the petitioner. In the first instance, the hearing date is to be fixed on 20.03.2020. If the petitioner fails to attend the hearing on the said date and if the petitioner does not attend for three successive hearing dates, then on the basis of records, the 1st respondent is at liberty to pass fresh orders.

6. However, it would be in the interest of the official to hear the petitioner and the petitioner may also submit a representation either in writing or through oral submission or through any other representation. But a duty is cast on the petitioner to attend the hearing date which is fixed on 20.03.2020 between 11 am to 12 noon. Further hearing dates may be fixed by the 1st respondent.

7. With the above terms, this writ petition is allowed. The matter is remitted back to the 1st respondent. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(C.S.III)

/True Copy/

Sub Assistant Registrar

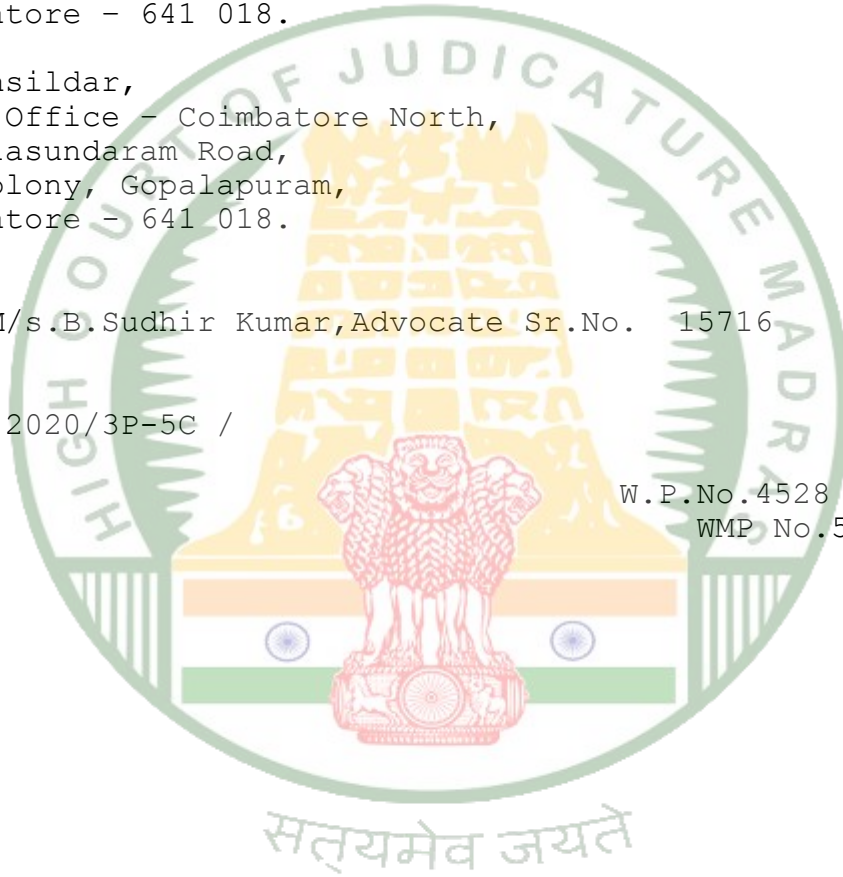
To

1. The Joint Director General of Foreign Trade,
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Coimbatore - 641 018.

+1 cc to M/s.B.Sudhir Kumar, Advocate Sr.No. 15716

AKM/12.03.2020/3P-5C /

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