

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

Writ Petition Nos.11799 of 2019 and 31706 of 2017
W.M.P.No.19443 & 12019 of 2019 & 5313 of 2020

Scope Specialties LLP

Rep by its partner

Ashish Jain

..Petitioner in W.P.No.11799 of 2019

M/s. Scope Ingredients Pvt. Ltd.

Rep by its Director

Shri Sachin Jain

..Petitioner in W.P.No.31706 of 2017

-Vs-

- 1.The Development Commissioner
Ministry of Commerce & Industry,
Office of the Development
Commissioner (MEPZ-SEZ)
G.S.T. Road, Tambaram
Chennai-600 045
- 2.The Deputy Commissioner of Customs (MEPZ-SEZ)
G.S.T. Road, Tambaram
Chennai-600 045
- 3.The Joint Director General of Foreign Trade
Ministry of Commerce & Industry, Govt. of India
4-5 Floor, Shastri Bhavan Annex
26, Haddows Road,
Chennai-600 006
- 4.Zonal Addl. Director General of Foreign Trade
& Appellate Authority
Ministry of Commerce & Industry,
Govt. of India
4-5 Floor, Shastri Bhavan Annex
26, Haddows Road,
Chennai-600 006
- 5.M/s. Scope Ingredients Pvt. Ltd.,
Rep. by its Director Sachin Jain,
No.19, Marshall Road, S-10, 2nd Floor,
Egmore, Chennai-600 008

6.The Inspector of Police,
CBI/ACB/Chennai. ..Respondents in WP No.11799 of 2019
(Suo motu impleaded by order of
this Court dated 27.11.2019
in WP.No.31706 of 2017 and
WP.No.11799 of 2019)

1.The Joint Director of Foreign Trade
Ministry of Commerce, Govt. of India
4th 5th Floor, Shastri Bhavan Annex
26, Haddows Road, Chennai-600 006

2.Zonal Addl. Director General of Foreign Trade
& Appellate Authority
Ministry of Commerce, Govt. of India
4th 5th Floor, Shastri Bhavan Annex
26, Haddows Road, Chennai-600 006

3.The Inspector of Police,
CBI/ACB/Chennai. ..Respondents in WP No.31706 of 2017
(Suo motu impleaded by order
of this Court dated 27.11.2019
in WP.No.31706 of 2017 and
WP.No.11799 of 2019)

PRAYER in WP.No.11799 of 2019: PETITION filed under Article 226
of the Constitution of India praying for the issuance of Writ of
Certiorarified Mandamus, calling for the records of the second
respondent in his file no.JMFTWZ/Minerva/1/2017/6033 dated
19.12.2018, quash the same and direct the respondents 1 to 3
herein to permit the release of the six containers (Container
No.HLBU127161-3, BSUI402359-4, HLXU521281-1, PGTU415734-4,
TRLU86159-4, FSCU459950-8) which are lying in FTWZ (Free Trading
Warehousing Zone), MEPZ (Madras Export Processing Zone), Chennai
to the petitioner.

PRAYER in WP.No.31706 of 2017:

PETITION filed under Article 226 of the Constitution of
India praying for the issuance of Writ of Certiorarified
Mandamus, calling for the records of the second respondent made
in F.No.I(146/Addl.DGFT/ECA/Chen/Am 16 dated 04.12.2017 and
quash the same.
WP.No.11799 of 2019 :

For Petitioner : Mr.K.Subramanian
Senior Counsel for
Mr.S.Punniyakkotti

For Respondent : Mr.G.Karthikeyan-ASG for R1 to R4
No appearance for R5
Mr.K.Srinivasan for R6
Special Public Prosecutor (CBI)

WP.No.31706 of 2017 :

For Petitioner : Mr.K.Subramanian

Senior Counsel for Mr.S.N.Subramani

For Respondent : Mr.T.V.Krishnamachari,SPC for R1 & R2

Mr.K.Srinivasan,

Special Public Prosecutor for R3

ORDER

Pursuant to a direction of this Court dated 11.02.2020, an order directing the release of consignments was passed on 24.02.2020, extracted in full below:

Heard learned counsels.

2. The admitted position is that the suspension of the import export code in this case is only for the period 04.12.2017 to 04.12.2019. Thus, the order of suspension as on date, has expired. Learned counsel appearing for the CBI fairly states that the detention is not at their instance and the learned counsel for the respondents concur on the position that the detention is only at the instance of the DGFT. There is, admittedly, no extension of the same thereafter. The retention of the following consignments now has no support in law whatsoever, and the same shall be released within a period of two weeks from today. The details of consignments are as follows:

SL No.	Bill of Lading Nos.	Content	Container No.	Import BOE	Gross Weight in MTs
1	F17W200151/ 01 Mar 17	304 DRM	HLBU1271613	5055/24 Apr 17	15.726
2	F17W200179/ 01 Mar 17	304 DRM	BSIU4023594	5051/24 Apr 17	15.726
3	F17W200180/ 06 Mar 17	304 DRM	HLXU5212811	5053/24 Apr 17	15.726
4	F17W200173/ 01 Mar 17	570 BAG	PGTU4157344	5050/24 Apr 17	14.874
5	F17W200128/ 01 Mar 17	175 DRM	TRLU8615924	5054/24 Apr 17	15.668
6	F17W200181/ 01 Mar 17	304 DRM	FSCU4599508	4950/21 Apr 17	15.726

3. List on 26.02.2020 under the caption 'for compliance'.

2. The original of the order of release dated 24.02.2020 is handed over to the learned counsel for the petitioner in Court today.

3. In spite of the order, the consignments have not been released for reasons as communicated in letter bearing No.5-3/SZ/2019-20 dated 20.02.2020 from the Office of the Deputy Drugs Controller (I), Central Drugs Standard Control Organization, South Zone to the effect that, after inspection, it was observed that the shelf life of one consignment had expired and the remaining consignments were not fit for pharmaceutical use.

4. When this is put to the petitioner, the Court is assured that the contents of the consignment that has expired is liable to be destroyed and the contents of the remaining consignments will be put to appropriate use, strictly in accordance with the prescription of law and all applicable rules and guidelines, such that public health and safety is maintained. This is recorded.

5. With this, the writ petitions are closed as nothing further survives therein. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (C.S.VI)

/True Copy/

Sub Assistant Registrar

To

1. The Development Commissioner
Ministry of Commerce & Industry,
Office of the Development Commissioner (MEPZ-SEZ)
G.S.T. Road, Tambaram, Chennai-600 045.
2. The Deputy Commissioner of Customs (MEPZ-SEZ)
G.S.T. Road, Tambaram, Chennai-600 045
3. The Joint Director General of Foreign Trade
Ministry of Commerce & Industry,
Govt. of India, 4-5 Floor, Shastri Bhavan Annex
26, Haddows Road, Chennai-600 006.
4. The Zonal Additional Director General of Foreign Trade
& Appellate Authority
Ministry of Commerce & Industry,
Govt. of India, 4-5 Floor, Shastri Bhavan Annex
26, Haddows Road, Chennai-600 006

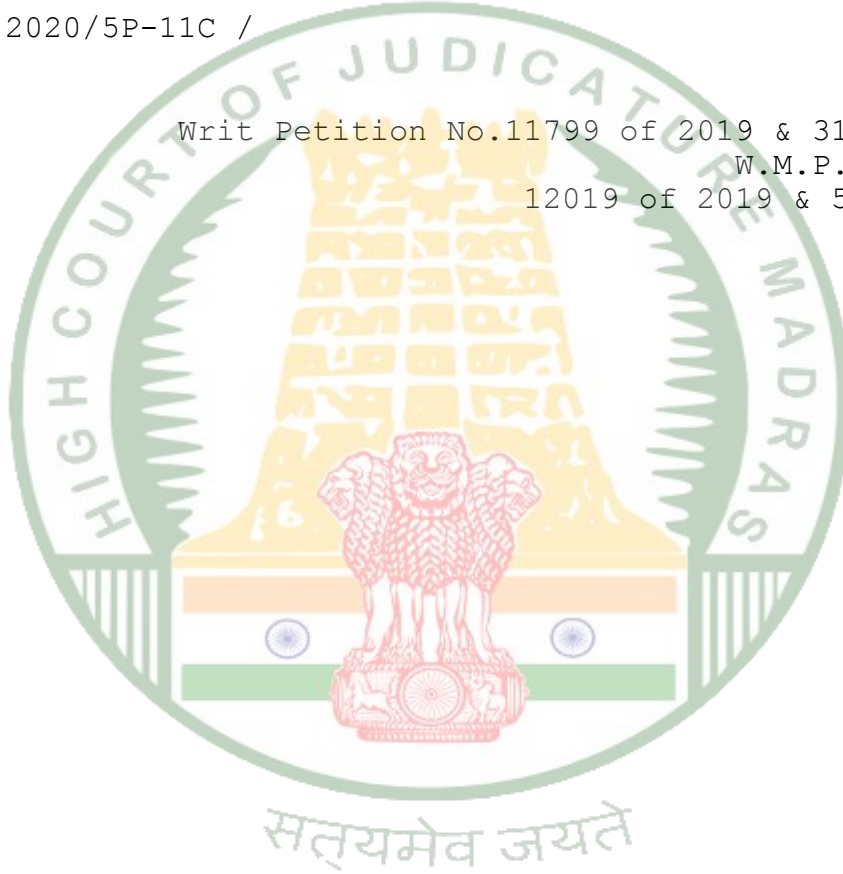
5.The Inspector of Police, CBI/ACB/Chennai

6.The Joint Director of Foreign Trade
Ministry of Commerce & Industry,
Govt. of India, 4-5 Floor, Shastri Bhavan Annex
26, Haddows Road, Chennai-600 006.

+1 cc to M/s.G.Karthikeyan,Advocate Sr.No.16611
+1 cc to M/s.G.Punniyakotti,Advocate Sr.No.16792
+1 cc to Mr.S.N.Subramani, Advocate Sr.No.16791
+1 cc to M/s.T.V.Krishnamachari,Advocate Sr.No.16542

AKM/27.02.2020/5P-11C /

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