



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8438 of 2019

(Through Video conferencing)

WEB COPY

M/s.Fathimuthu Amma Mills Limited,
(Formerly known as Moon Spinners Limited.

... Petitioner

Vs

1.The Secretary,
Ministry of Commerce and Industry,
Udyog Bhawan, Maulana Azad Road,
New Delhi-110 101.

2.The Secretary,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi-110 101.

3.The Director General of Foreign Trade,
Maulana Azad Road, Udyog Bhavan,
New Delhi-110 101.

4.The Joint Director General of Foreign Trade,
117, 1st Main Road, K.K.Nagar,
Madurai, Tamil Nadu-625 020.

5.The Assistant Commissioner of Central Excise,
STC College Road, Nehru Nagar,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records culminating to the issuance of the impugned order F.No.35/21/021/00087/AM-07/7982, dated 16.12.2016 by the fourth respondent and declare the provisions of para 5.23, 2015-20 and Para 5.14, 2009-14 of Foreign Trade Policy (FTP) and Hand Book of Procedure (HBP) respectively, as un-sustainable, ultra-virus and illegal in law and direct the respondents to refund the amount of the custom duty plus interest and the excess amount of the central duty forcibly collected from the petitioner arbitrarily.

For Petitioner : No Appearance

For R-1, R-3

& R-4

: Mr.Pon Senthil Kumaran

Central Government Standing Counsel

For R-2 & R-5

: Mr.Aravindan



ORDER

Today, the matter is listed under the caption "For Dismissal". There was no representation on the side of the petitioner on the last hearing date i.e., on 11.11.2020. Today also, there is no representation on the side of the petitioner. It can now be inferred that the writ petitioner is not interested in prosecuting this Writ Petition.

2. Accordingly, the Writ Petition is dismissed for non prosecution. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Secretary,
Ministry of Commerce and Industry,
Udyog Bhawan, Maulana Azad Road,
New Delhi-110 101.
- 2.The Secretary,
Department of Revenue,
Ministry of Finance, North Block,
New Delhi-110 101.
- 3.The Director General of Foreign Trade,
Maulana Azad Road, Udyog Bhavan,
New Delhi-110 101.
- 4.The Joint Director General of Foreign Trade,
117, 1st Main Road, K.K.Nagar,
Madurai, Tamil Nadu-625 020.



5.The Assistant Commissioner of Central Excise,
STC College Road, Nehru Nagar,
Tirunelveli.

WEB COPY

order made in
W.P. (MD)No.8438 of 2019
04.12.2020

VB (06.01.2021) 3P 6C