

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.11510 of 2011 &
M.P. No.1 of 2011

Tirupur Sri Senthil Cotton Mills Ltd,
Represented by its Managing Director,
Mr.A.P.Velusamy,
SF.No.302, Andipalayam,
Tirupur 641 687.

...Petitioner

Vs.

1.The Director General of Foreign Trade,
Government of India, Ministry of Commerce,
11th Block, Udhog Bhavan,
New Delhi 110 001.

2.The Joint Director General of Foreign Trade,
Government of India, Ministry of Commerce,
LIC Complex Building,
Trichy Road, Coimbatore 641 618.

3.M/s.Flora Garments India Pvt Ltd.,
An EOU, represnated by its Director
Mr.P.D.Barmer, Thennampalayam,
Alampalayam Village,
Coimbatore 641 602.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitu-
tion of India praying to issue Writ of Mandamus to direct the 2nd
respondent to accept supply of fabric effected between
05.11.2007 and 20.11.2007 to the 3rd respondent EOU as valid
discharge of export obligation undertaken under Advance Licence
No.3210026147 dated 24.11.2004 and consequently direct the 2nd
respondent to issue Export Obligation Discharge Certificate to
the Petitioner.

For Petitioner : Mr.R.Anish Kumar

For Respondents : Mr.K.Srinivasamurthy,
Senior Panel Counsel for R1 & R2
No Appearance for R3

O R D E R

The petitioner has filed a memo dated 09.03.2021 to the following effect:

'1. It is respectfully submitted that the Petitioner Company has been ordered for liquidation vide Order dated 29.05.2020 passed by National Company Law Tribunal, Special Bench II Chennai (for short "NCLT") in MA/130/200 in IB/910/2019 filed under Section 33 (2) of the Insolvency and Bankruptcy Code, 2016 and one Mr.K.C.Senthil Kumar, Resolution Professional has been appointed as the Liquidator of the Petitioner Company to carry out liquidation process. Order copy of the NCLT is enclosed herewith.

2. It is further submitted that the Resolution Profesional has issued a notice to the Respondent JDGFT on 04.06.2020 communicating the order of liquidation and there was no response.

3. It is therefore prayed that this Hon'ble Court may kindly be pleased to take the above submissions on record and pass the appropriate order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.'

2. Since the petitioner Company stands liquidated by order of National Company Law Tribunal, Special Bench II, Chennai ('NCLT') dated 29.05.2020, this writ petition is closed. I am informed that notice has been issued on 04.06.2020 by the Resolution Professional to the 2nd respondent/the Joint Director General of Foreign Trade (JDGFT) and the JDGFT has not chosen to enter appearance. Nothing further need be said in this regard and the DGFT is at liberty to take such efforts, as may be necessary, in accordance with law, to stake his claim before the authorities. Connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkp

To

1.The Director General of Foreign Trade,
Government of India, Ministry of Commerce,
11th Block, Udhog Bhavan,
New Delhi 110 001.

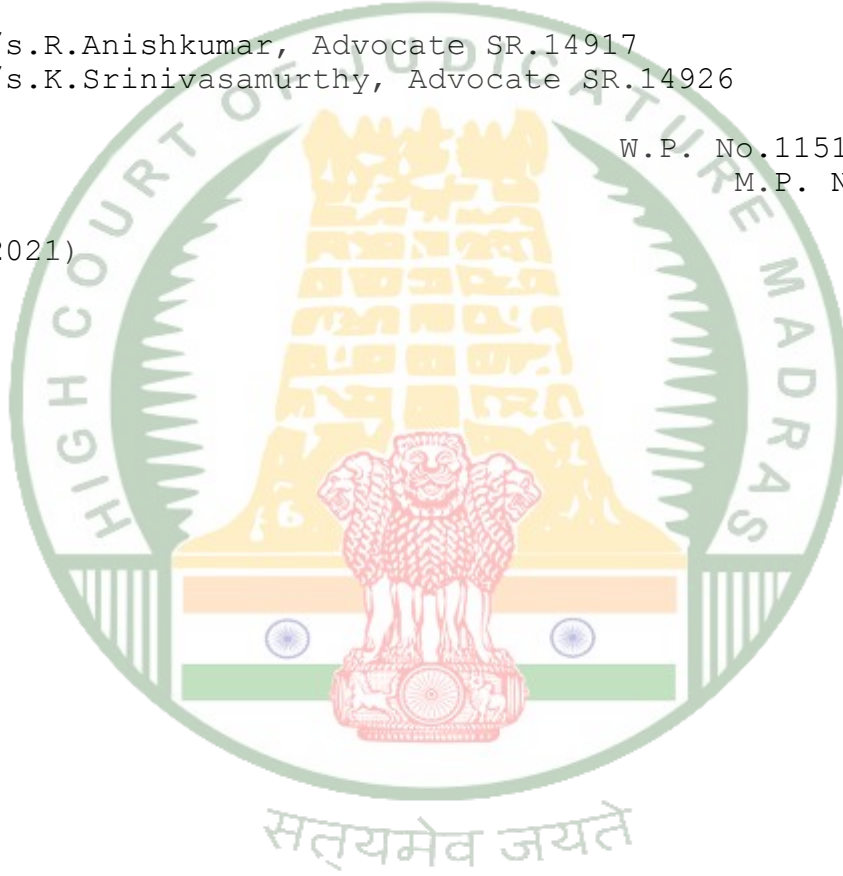
2.The Joint Director General of Foreign Trade,
Government of India, Ministry of Commerce,
LIC Complex Building,
Trichy Road, Coimbatore 641 618.

+1cc to M/s.R.Anishkumar, Advocate SR.14917

+1cc to M/s.K.Srinivasamurthy, Advocate SR.14926

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PL(CO)
CB(23/03/2021)



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