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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.24042 OF 2016

AND

W.M.P.NO.20553 OF 2016

Sri Lakshmi Saraswathi Yarns Tex ,
Represented by its Proprietor Mr.C.S.Adithya Praveen,
Administrative Office,
No.9, Old No.8, Crescent Road,
Shenoy Nagar, Chennai - 600 030.

... Petitioner

-vs-

1. The Ministry of Commerce and Industry,
Government of India,
Represented by Additional Director General of Foreign Trade,
Shastri Bhavan Annexe 4th & 5th floor,
No.26, Haddows Road,
Chennai - 600 006.
2. The Assistant Director General of foreign Trade,
Ministry of Commerce and Industry,
Government of India,
Shastri Bhavan Annexe 4th & 5th floor,
No.26, Haddows Road,
Chennai - 600 006.
3. M/s.PT Elite Global Marketing,
Menara Gracia, 6th Floor,
JI, H.R.Rasuna Said,
Kav C-17, Jakarta - 13940.
4. M/s.Multibiz Trading LLC ,
Standard Chartered Bank Building,
1st Floor, 107, AL Raas - Deira,
Dubai - UAE,
P.O. Box - 251 197.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of writ of Certiorari calling for the records from the file of the second respondent relating to



impugned order passed vide Reference F.No.RSCQC/33/Addl.DGFT/Che dated 28.06.2016 and quash the same as illegal and arbitrary.

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For Petitioner : Mr.Adi Narayana Rao

For Respondents: Mr.D.Rameshkumar

Additional Central Government Standing
Counsel for R1 and R2

Mr.Pranava Charan.Ma
for M/s.Kochar and Co
for R3 & R4

O R D E R

The order impugned dated 28.06.2016 was issued by the Assistant Director General of Foreign Trade based on the complaint submitted by the third respondent. The order simply states that the petitioner has to resolve the matter positively as the petitioner Company is due to pay some money to the third respondent. However, such issues cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. It is a dispute between the petitioner and the third respondent Company.

2. In view of the fact that five years lapsed, it is for the petitioner to settle the issues in the manner known to law. It is brought to the notice of this Court that based on the interim order, the official respondents have closed the complaint in order dated 22.08.2016. Thus, it is for the parties to resolve the issues in the manner known to law.

3. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Director General of Foreign Trade,
The Ministry of Commerce and Industry,
Government of India,
Shastri Bhavan Annexe 4th & 5th floor,
No.26, Haddows Road,
Chennai - 600 006.
2. The Assistant Director General of foreign Trade,
Ministry of Commerce and Industry,
Government of India,
Shastri Bhavan Annexe 4th & 5th floor,
No.26, Haddows Road,
Chennai - 600 006.

+1cc to Mr.D.Rameshkumar , Advocate, S.R.No.52396

W.P. No. 24042 of 2016
and
W.M.P. No. 20553 of 2016

KG (CO)
PM/26/10/2021