

29th November, 2022
(D/L No.9)
(SKB)

W.P.A. 23269 of 2022

M/s. Krishna Traders and another
Versus
Union of India and others

Mr. Sagar Bandyopadhyay,
Mr. Arijit Chakraborty,
Mr. Arabinda Pathak,
Mr. Deepak Sharma
... for the petitioners.

Mr. Ajay Krishna Chatterjee,
Mr. Sagar Saha
... for the U.O.I.

The Report which the Director General of Foreign Trade (DGFT), Ministry of Commerce and Industry, Government of India was directed to file by an order of the vacation Bench is before the court. The Report states that of the 18 representations made by the petitioners for grant of Registration Certificates for export of wheat to Bangladesh, 17 were found to be valid while only one was rejected on the ground that the Letter of Credit has expired.

The petitioners applied before the Regional Authority of the DGFT, Kolkata between 23rd May to 30th May, 2022 for grant of Registration Certificates. A Trade Notice issued on 30th May, 2022 by the Ministry of Commerce and Industry, Department of Commerce, DGFT states that all eligible RC applications for physical verification of the Letters of Credit, would be sent to a 2-

member committee of the Additional DGFTs for further checking and approval. The Registration Certificates would be issued to the exporters only after approval of this Committee.

The Report filed by the DGFT states that the meeting of the designated Committee was held on 26th October, 2022 whereby the applications of the petitioners were considered but the decision is still awaited.

The petitioners have been kept waiting since May, 2022 for grant of Registration Certificates. The petitioners have followed the procedure outlined in Trade Notices and Memoranda. The validity of the 18 Registration Certificates is due to expire on 31st December, 2022. The petitioners, according to learned counsel, would also require a minimum of 45 days for facilitating the export of wheat to Bangladesh. Counsel has also submitted that the petitioners have already faced claims for damages from the Bangladesh importers. Apart from the unexplained delay on the part of the expert Committee, it is also significant that 4 of the 22 applications of the petitioners have already been granted whereas 18 have been kept in the pipeline for the last six months from May to November, 2022.

Given the urgency of the situation, the Expert Committee is hence directed to communicate its

decision to the petitioners on the 17+1 applications, as indicated in the Report within seven days from the date of communication of this order but not beyond 7th December, 2022. It is also to be noted that contrary to the position taken on behalf of the respondents, all the Letters of Credit for the 18 applications are valid as on date.

W.P.A.23269 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)