



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.14402 of 2005

and

W.P.M.P.Nos.41373 and 15743 of 2005

M/s.CHENNAI FASHIONS INDIA (P) Ltd.,
rep. by its Managing Director K.P.Hashim
135, III Street, Ganapathy Colony,
St. Thomas, Chennai - 600 016.

...Petitioner

Vs.

1. The Union of India,
Rep. by Secretary,
Ministry of Textiles,
New Delhi.

2. Apparel Export Promotion Council,
Rep. by its Chairman,
N.B.C.C.Tower, 15, Bhikaji Cama Place,
New Delhi - 110 006.

...Respondents

Prayer:Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to pay the petitioner an amount of US\$ 113559, which is the value of the goods sent under textile Quota US 340 certificates bearing Nos.1] 4IN115052 dt.21.09.2004, 2] 4IN115976 dt.08.10.2004, 3] 4IN1156004 dt.11.10.2004, 4] 4IN115975 dt.03.10.2004, 5] 4IN116005 dt.11.10.2004, 6] 4IN115859 dt.07.10.2004 and 7] 4IN115860 dt.07.10.2004 issued by the respondent in excess than what they are entitled to and which caused loss to the petitioner.

For Petitioner : M/s.G.Vijaya Anand

For Respondents : Mr.M.Karthikeyan,
Senior Panel Counsel

O R D E R

This writ petition was filed seeking issuance of a writ of mandamus directing the respondents to pay the amount towards the goods that were sent under the textile quota issued by the



respondents in excess of what they are entitled to.

2.The issue involved in the present writ petition is squarely covered by the earlier orders passed by this Court, wherein it was held that the writ petition cannot be maintained since the transaction was a commercial transaction. Useful reference can be made to the orders passed by this Court in W.P.No.21916 of 2005 dated 09.08.2016, W.P.No.4933 of 2005 dated 06.08.2019 and W.P.Nos.36865 & 38393 of 2004 dated 26.04.2021.

3.In view of the above, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The Secretary
Union of India,
Ministry of Textiles,
New Delhi.
2. The Chairman
Apparel Export Promotion Council,
N.B.C.C.Tower, 15, Bhikaji Cama Place,
New Delhi - 110 006.

W.P.No.14402 of 2005

PL(CO)
RGA(20/06/2022)