

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.26523 of 2022
and W.M.P.No.25582 of 2022

M/s.Ruby Overseas
a Partnership Firm rep.by its
Partner Shri Amin Khudus
S/o Khudus, New No.141, Old No.68
Govindappa Naicken Street, Chennai 600 001. Petitioner

-Vs-

- 1 The Director Geneal of Foreign Trade
and Ex-officio Additional Secretary to
Government of India, Ministry of
Commerce and Industry Department of commerce
Directorate General of Foreign Trade
Udyog Bhavan, New Delhi – 110 001.
- 2 The Additional Director General of Foreign Trade
O/o Zonal Additional Directorate General of
Foreign Trade, Shastri Bhavan Annexe
26 Haddows Road chennai 600 006 Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to act on petitioners representation dated 11.09.2022 and grant permission Authorization for export of 100 percent broken white rice pursuant to sale contract No. RUBY / 2022 - 2023 / 221110 dated 9.8.2022 entered into by the petitioner with their buyer namely M/s. Satrah General LLC Deira Dubai UAE.

For Petitioner : Mr.B.Kumar

Senior Counsel for Mr.B.Satish Sundar

For Respondents : Mr.S.N.Parthasarathi
Senior Central Government Standing Counsel

ORDER

The petitioner wanted to export huge quantity of broken rice to Ethiopia and in this regard though there has been prohibition for exporting rice items, as per the Foreign Trade Policy especially under Clause 2.58 under the heading Exemption from Policy / Procedure, power is vested with the respondent Director General of Foreign Trade (DGFT) who can relax such policy in the public interest and pass orders. Therefore, in order to exercise the said power by the DGFT and to give relaxation by giving permission to the petitioner to export rice items, the petitioner has given a representation on 11.09.2022 and the same since is pending with the respondents, the petitioner has moved this writ petition seeking for a writ of Mandamus to give a direction to the respondents to decide the said request made by the petitioner at the earliest so as to enable the petitioner to act upon as desired by him to export rice items.

2. Heard Mr.B.Kumar, learned Senior Counsel appearing for Mr.B.Satish Sunder, learned counsel for the petitioner, who after having reiterated the aforesaid facts would seek the indulgence of this Court to issue a direction to the respondents to exercise the power vested with them under Clause 2.58 of the

EXIM policy called Exemption from Policy / Procedure and decide the application submitted by the petitioner dated 11.09.2022 at the earliest, preferably within a time frame that may be stipulated by this Court.

3. Heard Mr.S.N.Parthasarathi, learned Senior Central Government Standing Counsel appearing for the respondents who would submit that, the very representation itself was submitted by the petitioner only on 11.09.2022 which was received by the respondents' office only on 14.09.2022 and even before completion of 30 days since the petitioner has rushed to this Court, some breathing time is required for the respondents to look into the same and decide the issue in accordance with law.

4. Having considered the said submissions and after having considered the materials placed before me, I am inclined to dispose of this writ petition with the following order.

“That there shall be a direction to the respondents especially the first respondent or his nominee who has to exercise the power to give exemption from the policy in the public interest, to consider and decide the application / representation submitted by the petitioner on 11.09.2022

with regard to his plea to get permission to export broken rice to Ethiopia and to pass orders thereon within a period of four weeks from the date of receipt of a copy of this order.”

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.09.2022

Index : Yes/No
Internet : Yes/No
KST
To

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R. SURESH KUMAR, J.

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