



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2022

CORAM:

The HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.31636 of 2018
and W.M.P.Nos.36874 & 36876 of 2018
and W.M.P.No.15172 of 2019

M/s.Saravana International
represented by its Proprietor,
C.R.Devanathan,S/o.Ramakrishnan,
No.26/B, Kumbakonam Road,
Panruti, Tamil Nadu - 607 106.

... Petitioner

Vs.

1.Union of India represented by the
Secretary to Government of India,
Ministry of Commerce & Industry,
New Delhi.

2.The Director General of Foreign Trade,
Udyog Bhavan, New Delhi.

3.The Additional Director General of foreign Trade,
Shashtri Bhavan, No.26, Haddows Road,
Chennai.

4.The Chief Secretary to Government,
Government of Tamil Nadu, Tamil Nadu.

5.The Chief Secretary to Government,
Puducherry.

... Respondents

PRAYER: This petition has been filed under Section 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records on the file of the third respondent herein in Trade Notice No.03/2018-19, dated 17.09.2018 quashing the same.

For Petitioner : Mr.P.Suresh
For R1 to R3 : Mr.Pragadish
For R4 : Mr.M.S.Premkumar
For R5 : Mr.V.Usha
Additional Government Pleader (P)



O R D E R

This Writ Petition has been filed by the petitioner to quash the Trade Notice issued by the third respondent in Trade Notice No.03/2018-19, dated 17.09.2018.

2. According to the learned counsel for the petitioner, the trade notice came to be issued by the third respondent to merge the Office of the Joint Director General of Foreign Trade, Puducherry, with the Office of the Additional Director General of Foreign Trade, Chennai.

3. The main grievance of the petitioner is that he has been carrying on the export of Cashew business in the name and style of M/s. Saravana International, at No.26/B, Kumbakonam Road, Panruti, Tamilnadu and that there are more than 240 Cashew Traders, out of which, 150 traders are major exporters of cashew and Panruti is one of the major source of Cashew products. Most of the Cashew processing units are located in the radius of about 50 to 60 kms from the Puducherry Office and therefore, if the Office of the Joint Director General of Foreign Trade, Puducherry, is merged with the Office of the Additional Director General of Foreign Trade, Chennai, it will be inconvenient for the petitioner as well as other businessmen, those who are carrying on the business of Import and Export of Cashew Nuts in and around. By virtue of the shifting of the third respondent Office from Puducherry to Chennai, it will give hardship to the petitioner along with other traders who are required to travel and even for getting any import and export permission/licences and it will take 2-3 months time, which is a time consuming process. Therefore, he submit that immediately after the impugned notice, he has given a representation to concerned Ministry on various dates not to merge the Office of the Joint Director General of Foreign Trade, Puducherry with the Office of the Additional Director General of Foreign Trade, Chennai. Even though, the third respondent issued trade notice on 17.09.2018 for merging of the Office of the Joint Director General of Foreign Trade, Puducherry, with the Office of the Additional Director General of Foreign Trade, Chennai, based on O & M Instruction No. 05/2018 dated 06.09.2018 issued by the Director General of Foreign Trade, New Delhi - 2 and therefore, without any other option, the petitioner has approached this Court.

4. Mr. Pragadish, learned counsel for the contesting respondents 1 to 3 would submit that the decision of merging the Regional Authority, Puducherry with the Regional Authority, Chennai, has done after following the due process in the



Ministry of Commerce and Industry. It is not only the decision taken by the Ministry to merge the Puducherry Office with the Chennai Office but also the similar decision was taken for the Regional Authorities at Amritsar, Goa with the nearest Office for cost cutting as well as optimum utilization of manpower and infrastructure. Therefore, he contended that there was no bad intention behind the merging of this Office and that it is only towards cost cutting and for other administrative reasons.

5.He would further submits that the functioning of Regional Authority at Puducherry has not been fully closed and that the third respondent has set up a Back Office which is still functioning at Puducherry to assist the export-import traders in the event of any emergency issues. Further, the petitioner and other exporters can easily approach the Back Office and the issues will be resolved then and there. Hence, merging of the Office of the Joint Director General of Foreign Trade, Puducherry, with the Office of the Additional Director General of Foreign Trade, Chennai, will not cause any inconvenience to the petitioner and other exporters in and around Panruti and Cuddalore and no hindrance will be caused to the export and import business of the petitioner as well as others. Therefore, he prayed for dismissal of the present writ petition.

6.Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials placed on record.

7.Upon perusal, it appears that the issue of merging the Office of the Joint Director General of Foreign Trade, Puducherry, with the Additional Director General of Foreign Trade, Chennai, was taken by the third respondent is towards cost cutting and for other administrative reasons. The same decision has also been taken in other Regions like Goa, Amritsar.

8.Further, as rightly pointed out by Mr.Pragadish, learned counsel for the respondents 1 to 3, in order to sort out the difficulties/hardships of the traders, Back Office is still functioning at Puducherry even after closure of the Pondicherry Office and therefore, the petitioners can very well approach the Back Office and address their grievances.

9.Therefore, this Court directs the third respondent to consider the functioning of Back Office at Puducherry permanently, for the convenience of the exporters and importers to cater the needs of the traders in and around at Pondicherry,



Cuddalore, Paruti, etc.

10. Accordingly, with the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of India,
Union of India,
Ministry of Commerce & Industry,
New Delhi.
2. The Director General of Foreign Trade,
Udyog Bhavan, New Delhi.
3. The Additional Director General of foreign Trade,
Shashtri Bhavan, No.26, Haddows Road,
Chennai.
4. The Chief Secretary to Government,
Government of Tamil Nadu, Tamil Nadu.
5. The Chief Secretary to Government,
Puducherry.

+1cc to Mr.P.Suresh, Advocate SR.No.4891
+1cc to the Government Pleader SR.No.4913

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PMK (CO)
GN (18/02/2022)