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W.P.No.18343 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.18343 of 2023

M/s.Sai Supreme Textiles Pvt Ltd.,
Represented by its Director,
Mr.Dhanshekhar R,
Having its Regd Office at RS No.15/13 & 15/15,
Vazhudhavor Road, Kurumbapet,
Puducherry – 605 009. ... Petitioner

Vs.

1.The Additional Director General of Foreign Trade,
4th Floor, Shashtri Bhawan Annexe,
Haddows Road, Chennai – 600 006.

2.State Bank of India,
Main Branch,
No.15, Rue Suffren,
Pondicherry – 608 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd Respondent to furnish Bank Realization Certificates in respect of the exports made by the petitioner as communicated vide the petitioner's letter dated 02.01.2023 or alternatively certify the realization of foreign exchange based on the



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statement furnished by the petitioner vide their letter dated 02.01.2023 within a reasonable time and further direct the 1st Respondent to issue the Export obligation Discharge Certificate in respect of the eleven EPCG authorisations, namely (i) License No.2530000057 dated 13.04.2006 (ii) License No.2530000062 dated 15.11.2006 (iii) License No.2530000063 dated 21.11.2006 (iv) License No.2530000073 dated 29.03.2007 (v) License No.2530000081 dated 22.08.2007 (vi) License No.2530000082 dated 24.09.2007 (vii) License No.2530000087 dated 14.11.2007 (viii) License No.2530000104 dated 22.07.2008 (ix) License No.2530000105 dated 22.07.2008 (x) License No.2530000106 dated 22.07.2008 (xi) License No.2530000112 dated 18.09.2008.

For Petitioner : Mr.Hari Radhakrishnan

For Respondents : Mr.Kuzhanthaivel [R1]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the second respondent to furnish Bank Realization Certificates in respect of the exports made by the petitioner as communicated vide the petitioner's letter dated 02.01.2023 or alternatively certify the realization of foreign exchange based on the statement furnished by the petitioner vide their letter dated 02.01.2023 within a reasonable time and further direct the first Respondent to issue the Export obligation Discharge



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Certificate in respect of the eleven EPCG authorisations, namely
(i) License No.2530000057 dated 13.04.2006 (ii) License No.2530000062 dated 15.11.2006 (iii) License No.2530000063 dated 21.11.2006 (iv) License No.2530000073 dated 29.03.2007 (v) License No.2530000081 dated 22.08.2007 (vi) License No.2530000082 dated 24.09.2007 (vii) License No.2530000087 dated 14.11.2007 (viii) License No.2530000104 dated 22.07.2008 (ix) License No.2530000105 dated 22.07.2008 (x) License No.2530000106 dated 22.07.2008 (xi) License No.2530000112 dated 18.09.2008.

2. Mr.Kuzhanthaivel, learned counsel takes notice for the first respondent. In view of the consent expressed by the learned counsel appearing for the petitioner and the learned counsel appearing for the first respondent, this petition is taken up for final disposal.

3. Since no adverse order is passed against the second respondent, notice to the second respondent is dispensed with.



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4. The case of the petitioner is that, it is a Private Limited Company incorporated on 15.07.2004 and engaged in manufacturing and export of textiles for the past 19 years. The petitioner Company obtained eleven Export Promotional Capital Goods (EPCG) authorizations which were issued by the office of Joint Director General of Foreign Trade, Chennai on 14.11.2007. The petitioner Company fulfilled the export obligation in respect of all the licenses and applied for issuance of Export Obligation Discharge Certificate (EODC) before the first respondent on 26.06.2019 and 04.07.2019. Further, the application filed by the petitioner was not considered on the ground that the petitioner had inadvertently repeated the first six EPCG license numbers on all the shipping bills filed by them at the time of export. Thereafter, the petitioner filed an application with the EPCG Committee, DGFT, New Delhi seeking condonation of this procedural error. The EPCG Committee, comprising of Additional Director General and various senior officers of the Ministry of Commerce, the DGFT, in its meeting held on 29.11.2018 considered the case of the petitioner positively and decided to recommend to the Director General of Foreign Trade for relaxation/condonation of the error in terms of paragraph 2.58 of the Foreign Trade Policy. As per the request made by



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the first respondent, all relevant documents required for issuance of EODC for the eleven licenses were submitted individually vide petitioner's letter dated 15.07.2021. The petitioner approached the second respondent and submitted a letter dated 02.01.2023 requesting them to attest the statement filed indicating the receipt of foreign exchange earned towards each export made by the petitioner. The petitioner had submitted a statement indicating the total number of shipping bills filed by them and the payment received. This letter was submitted since the second respondent had orally informed the petitioner that they were not in a position to issue BRC since all the relevant records were transferred back to their Head office and that it was practically difficult for them to locate the documents to issue BRC. The second respondent has neither furnished copies of the manual bank realisation certificates nor has provided a statement indicating the shipping bill wise earnings of the petitioner, which has resulted in a situation where the petitioner's application for EODC is not being positively considered by the first respondent. Hence, the above writ petition has been filed before this Court for appropriate directions.



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5. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the second respondent to furnish Bank Realization Certificates in respect of the exports made by the petitioner as communicated vide the petitioner's letter dated 02.01.2023 within a reasonable time and further direct the first Respondent to issue the Export obligation Discharge Certificate in respect of the aforesaid eleven EPCG authorizations, within a time frame that may be stipulated by this Court.

6. On the above contentions, heard the learned counsel appearing for the first respondent and perused the materials available on record.

7. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner's letter dated 02.01.2023 relating to issuance of Bank Realization Certificates in respect of the exports made by the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order.



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8. With the above direction, the Writ Petition is disposed of. No costs.

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

1.The Additional Director General of Foreign Trade,
4th Floor, Shashtri Bhawan Annexe,
Haddows Road, Chennai – 600 006.

2.The State Bank of India,
Main Branch,
No.15, Rue Suffren,
Pondicherry – 608 001.



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M.DHANDAPANI, J.,

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