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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16783 of 2023
and
WMP.No.16783 & 16057 of 2023

1. M/s.Primex Clothing Ltd.,
Rep. By its Director,
Shri A.Nithiyanandam,
No.37, Bridgeway Colony Extension,
Tiruppur.

2. A.Nithyanandam

... petitioners

-Vs-

1. The Director General of Foreign Trade,
Ministry of Commerce and Industry,
Directorate General of Foreign Trade,
Udyog Bhavan, H Wing, Gate No.2,
Maulana Azad Road, New Delhi.

2. The Assistant Director,
O/o. The Joint Director General of Foreign Trade,
India Life Building, Trichy Road,
Highways Colony, Ramanathapuram,
Coimbatore.

3. The District Collector,
Collectorate, Cotton Market Building,
Palladam Road, Tiruppur.



... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus forbearing the respondents, more particularly the 3rd and 4th respondents, from enforcing and collecting penalty amount of Rs.75,43,043/- pursuant to the decision of the second respondent dated 22.11.2021 emanating from F.No.32/21/088/163/AM-14 pending disposal of proceedings pending before the first and second respondents consequent to the representation dated 15.05.2023 made to the office of the first respondent.

For petitioner : Mr.B.Sathish Sundar

For Respondents : Mr.Raja Vivekananda RR1 and 2

ORDER

This petition has been filed forbearing the respondents, more particularly the 3rd and 4th respondents, from enforcing and collecting penalty amount of Rs.75,43,043/- pursuant to the decision of the second respondent dated 22.11.2021 emanating from F.No.32/21/088/163/AM-14 pending disposal of proceedings pending before the first and second respondents consequent to the representation dated 15.05.2023 made to the office of the first respondent.



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2. It is the case of the petitioner that the first petitioner is a garment manufacturing unit engaged in import of raw materials and export of finished products. The second respondent has passed an order dated 22.11.2021 by imposing a sum of Rs.75,43,- Aggrieved over the same, the petitioner made a representation to the respondents on 15.05.2023 and 17.05.2023 in terms of Section 16 of the foreign Trade (Development and Regulation) Act 1992. However the same is not considered till date. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may direct the first and second respondents to consider the petitioners representation dated 15.05.2023 and 17.05.2023 after providing opportunity to the petitioner within the stipulated time as fixed by this Court.

4. Heard both sides and perused the materials available on record.

5. In view of the limited relief sought for by this petitioner, this Court directs the second respondent to consider the petitioner's representations dated 15.05.2023 and 17.05.2023, on merits and in accordance with law, after



providing opportunity to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are also closed.

07.06.2023

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To

1. The Director General of Foreign Trade,
Ministry of Commerce and Industry,
Directorate General of Foreign Trade,
Udyog Bhavan, H Wing, Gate No.2,
Maulana Azad Road, New Delhi.

2. The Assistant Director,
O/o. The Joint Director General of Foreign Trade,
India Life Building, Trichy Road,
Highways Colony, Ramanathapuram,
Coimbatore.

3. The District Collector,
Collectorate, Cotton Market Building,
Palladam Road, Tiruppur.

4. The Tahsildar,
Tiruppur District.



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M.DHANDAPANI, J.

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