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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.Nos.16051, 16052,16054, 16055, 16056,
16057 and 16058 of 2020
and
WMP.No.19985,19988, 19992 of 2020

M/s.KMB Trading Corporation Pvt. Ltd.
Represented by its Director
Mr.K. Shoukath Ali,
3 / 55, Bangalore Main Road,
Fairlands, Salem 636 001.

... petitioner in W.P.no.16051 of 2020

-Vs-

1. The Deputy Director General of Foreign Trade,
Office of the Joint Director General of Foreign Trade,
1544, India Life Building, (Annexe), I Floor,
Trichy Road, Coimbatore 641018.

2. General Manager
District Industries Centre, Salem 636 004.

... Respondents in W.P.No.16051 of 2020

Prayer in W.P.No.16051 of 2020: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari Call for the records of the impugned letter Rc. No. 2882 / A3 / 2020 dated 27.08.2020 issued by the 2nd Respondent and quash the same.



For petitioner : Mr. R.Anish Kumar (in all the petitions)

For Respondent : Mr.V.Chandra sekaran, SPC R1
(in all the petitions)

COMMON ORDER

Since the facts leading to the present round of litigation are one and the same, these writ petitions are taken up and disposed of by this common order.

2. The writ petitions have been filed challenging the respective orders in originals for imposing penalty to the petitioner company.

3. The learned counsel for the petitioner that the petitioner is a 100% export oriented unit and engaged in the manufacture and export of granite slabs. The second respondent issued show cause notices by imposing penalty for non fulfilment of export obligation against advance authorisation. The impugned order in originals are in violation of Section 11 of Foreign Trade (D & R) Act, 1992. The learned counsel further submitted that the petitioner is facing severe financial hardship due to corona pandemic situation. The learned counsel prays that this Court may quash the impugned orders.



4. The learned counsel for the respondents submitted that as against the impugned order passed by the second respondent, there is an appeal remedy available before the Additional Director General of Foreign Trade. Instead of doing that, the petitioner has filed these writ petitions, which is not maintainable one.

5. In reply, the learned counsel for the petitioner submitted that this Court may permit the petitioner to make an appeal before the first respondent and till such time, the consequential order passed by the second respondent may be stayed.

6. Heard the learned counsel on either side and perused the materials available on record.

7. In view of the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case and without interfering with the impugned orders, permits the petitioner to make an appeal before the Additional Director General of Foreign Trade, within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of which, the



appellate authority shall decide the appeal, after providing opportunity to the petitioner, within a period of eight weeks thereafter.

8. With the above observation, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

19.06.2023

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To

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District Industries Centre, Salem 636 004.



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M.DHANDAPANI, J.

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16056, 16057 and 16058 of 2020

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