

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 23.03.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**W.P.No.22171 & 22174 of 2019andWMP.Nos.21444, 21446 & 21447 of 2019

M/s. Sri Lakshmi Saraswati Cotspin Pvt. Ltd.,
Rep. by its Managing Director,
C.S. Aditya Praveen,
Having Office at New No. 9,
Old No. 8, Crescent Road
Shenoy Nagar, Chennai.

... petitioner

-Vs-

1. The Zonal Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India, 4th Floor,
Shastri Bhavan, Annex No. 26,
Haddows Road, Chennai – 6.

2.The Additional Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India,
4th Floor, Shastri Bhavan Annex,
No. 26, Haddows Road, Chennai – 6.

... Respondents

Prayer in W.P.No.22171 of 2019: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus to Call for records on file of the 2nd respondent pertaining to F.No. IEIS-04/ 21/ 92/ 80016/ AM-16 dated 24.06.2019 Wrongly mentioned as F.No. 04/ 21/ 92/ 00016/



AM 15 rejecting the Petitioners application dated 29.06.2015 vide order dated 24.06.2019 for the benefits under Notification No. 3(RE-2013)/ 2009-2014 dated 18.04.2013 on the ground that the Trade Dispute between the Petitioner Company and M/s United Raw Materials Singapore had not yet been resolved and direct the 2nd Respondent to consider the Application for benefits under Notification No. 3(RE-2013)/ 2009-2014 dated 18.04.2013.

Prayer in W.P.No.22174 of 2019: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus Call for records on file of the 2nd respondent pertaining to F.No. IEIS-04/ 21/ 92/ 00006/ AM-15 dated 24.06.2019 received on 27.06.2019 quash the same and rejecting the Petitioners application dated 27.05.2019 for the benefits under Notification No. 27(RE-2012)/ 2009-2014 dated 28.12.2012 Trade Notice No. 4/ 2016 dated 05.05.2016 and Trade Notice No. 16/ 2016 dated 14.09.2016 (IEIS) on the ground that the Trade Dispute between the Petitioner Company and M/s United Raw Materials Singapore had not yet been resolved and direct the 2nd Respondent to consider the Application for benefits under Notification No. 27(RE-2012)/ 2009-2014 dated 28.12.2012 Trade Notice No. 4/ 2016 dated 05.05.2016 and Trade Notice -16/2016 dated 14.09.2016.

For petitioners : Mr.Adinarayana Rao

For Respondent : Mr.T.L.Chinnasamy

COMMON ORDER

Since the issue involved in the present cases are one and the same and hence, the petitions are disposed of by way of common order.



2. According to the petitioner, the claim made by the United Raw Materials before the National Company Law Tribunal, Chennai has been rejected and the petitioner has launched proceedings that compensation for defamation against the said Company. Therefore, the ground on which, the claim of the petitioner for incentive scrips required is non-existent.

3. The learned Government Counsel submitted that the petitioner's application was not rejected, but they have been asked to resolve a trade dispute or present the case and substantiate their claim with relevant documents. Once the same was done, their application may be considered

4. In the counter affidavit filed by the respondents, it is stated that the request of the petitioner was not rejected but the petitioner was only required to resolve the trade dispute before the Committee of Quality Compliance and Trade Disputes or avail grievance redressal mechanisms available with the Directorate General of Foreign Trade.

5. It is the contention of the respondents that the petitioner was given ample opportunity to appear before the Committee of Quality Compliance and



Trade Disputes. Despite such opportunities, the petitioner did not appear before the Committee.

6.Mr.Adhi Narayana Rao, learned counsel for the petitioner would contend that in fact that the petitioner appeared before the Committee and the Committee had insisted on the petitioner paying the disputed amounts, which are claimed by the United Raw Materials, a Singapore based Company.

7.Be that as it may. Considering the averments made in the counter affidavit filed by the respondents,the petitioner is required to appear before the Committee of Quality Compliance and Trade Disputes and substantiate its case that the claim of M/s.United Raw Materials Singapore PTE Ltd., is unfounded. The Committee of Quality Compliance and Trade Disputes is required to give an opportunity to the petitioner to appear before it and explain as to how the dispute between the petitioner and the Singapore Company namely, M/s.United Raw Materials Singapore PTE Ltd., is not a genuine trade dispute. The Committee of Quality Compliance and Trade Disputes will consider the case of the petitioner and attempt to resolve the same or pass orders on the claim of the petitioner that there is no trade dispute between the petitioner and the said Singapore Company.



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8.The statement made in the counter affidavit that the claim of the petitioner has not been rejected is placed on record. The Committee will take a decision after hearing the petitioner within a period of two months from today. The Committee will issue notice fixing date of hearing.

9.These Writ Petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

23.03.2023

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To

1. The Zonal Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India, 4th Floor,
Shastri Bhavan, Annex No. 26,
Haddows Road, Chennai – 6.

2.The Additional Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India,
4th Floor, Shastri Bhavan Annex,
No. 26, Haddows Road, Chennai – 6.



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M.DHANDAPANI, J.

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