



W.P.No.28090 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

Coram

The Honourable **Mr.Justice Krishnan Ramasamy**

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and

W.M.P.No.27604 of 2023

BVK Exports Pvt. Ltd.,
rep. by its Managing Director, Mr.B.Vijayaragavan,
Shed No.39, 40, TEKIC Tea Nagar,
SIDCO, Mudalipalayam,
Tiruppur – 641 606.

...Petitioner

Vs.

1. The Commissioner of Customs (Imports)
Rajaji Salai, Customs House,
Chennai – 600 001.
2. The Joint Director of Foreign Trade,
Regional Authority,
No.1544 India Life Building,
First Floor, Trichy Road,
Coimbatore – 611 018.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to utilize the ROSCTL scrip No.3219104579 dated 17.05.2021 for Rs.27,70,346/- and to take steps to retrieve the illegally utilized ROSCTL scrip namely ROSCTL scrip No.3219104580, dated 17.05.2021, for Rs.17,24, 484/- within the time as fixed by this Court.



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For Petitioner : Mr.T.Moorthy
For Respondents : No appearance

ORDER

The prayer, in the Writ Petition is filed for issuance of a mandamus, directing the respondents to permit the petitioner to utilize the ROSCTL scrip No.3219104579 dated 17.05.2021 for Rs.27,70,346/- and to take steps to retrieve the illegally utilized ROSCTL scrip No.3219104580, dated 17.05.2021, for Rs.17,24,484/- within the time as fixed by this Court.

2. The petitioner is a manufacturer and exporter of ready made garments. The petitioner had exported garments to Europe and America during the year 2021 and availed export incentive through Rebate of State and Central Taxes and Levies on Export of Garments and Made ups scheme (for ROSCTL) vide scrip No.No.3219104579 dated 17.05.2021 for Rs.27,70,346/- issued by the second respondent, which the petitioner is entitled to use towards payment of import duty. During may, 2021, it came to the notice of the petitioner that DGFT portal was hacked, due to which, the ROSCTL scrip, dated 17.05.2021 was illegally utilized to the extent of Rs.17,24,484/-. In this regard, the petitioner lodged a complaint before the



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Tiruppur Police Station, pursuant to which, a case has been registered in FIR No.13 of 2022 and apart from filing cybercrime complaint dated 28.05.2021, viz. Cyber Crime Portal.

3. The learned counsel appearing for the petitioner would submit that Rebate under the ROSCTL scheme will be issued electronically on customs automated system to the exporter in the form of duty credit scrips, which will be maintained in the electronic duty credit ledger and can be used by the exporter to pay import duty, however, subsequent to the illegal usage of the petitioner's scrips, the second respondent has suspended the ROSCTL, dated 17.05.2021, due to which, the petitioner is facing great hardships as they are unable to use the scrips. The learned counsel further submitted that though the petitioner made a representation to the second respondent dated 29.07.2023, requesting to permit the petitioner to use the ROSCTL, dated 17.05.2021; to retrieve the illegally utilized ROSCTL scrip, dated 17.05.2021, for Rs.17,24, 484/- the same evoked no response, an hence, the present Writ Petition is filed seeking for aforesaid relief.

4. Though there is no representation on behalf of the respondent,



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considering the limited scope of the prayer in this Writ Petition, this Court is of the view suffice, it would be to dispose of the Writ Petition by directing the second respondent to consider the representation made by the petitioner within the stipulated time and to pass orders.

5. Accordingly, this Writ Petition is disposed of by directing the second respondent to consider the representation of the petitioner, dated 29.07.2023 and after affording an opportunity of hearing to the petitioner shall pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

10.10.2023

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Index : yes/no

Neutral Citation : yes/no



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Krishnan Ramasamy,J.,

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