



W.P.(MD) No.15364 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.15364 of 2023

and

W.M.P(MD) No.12957 of 2023

S.S.Granites
Rep by its Sole Proprietor S.Anand
Having registered Office at
264, Gandhiji Street,
Bibikulam,
Madurai-625 002.

... Petitioner

Vs.

The Joint Director General of Foreign Trade,
1554, India Life Building (Annex),
1st Floor, Trichy Road,
Coimbatore-641018.

...Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from demanding the payment of custom duty along with interest from the petitioner for non-compliance of export obligation under Export Promotion Capital Goods (EPGC) Scheme bearing EPCG authorization No.353004930, dated 29.06.2012 by considering the representation of the petitioner dated 08.05.2023.



WEB COPY



W.P.(MD) No.15364 of 2023

For Petitioner : Mr.K.Jeyamohan

For Respondent : Mr.N.Dilipkumar,
Standing Counsel

ORDER

This writ petition has been filed for issuance of writ of mandamus forbearing the respondents from demanding the payment of custom duty along with interest from the petitioner for non-compliance of export obligation under Export Promotion Capital Goods (EPCG) Scheme bearing EPCG authorization No.353004930, dated 29.06.2012, by considering the representation of the petitioner, dated 08.05.2023.

2. The claim of the writ petitioner rests on the points mainly that there would be an automatic export obligation extension in the event of a ban on export products as per Chapter 5 Clause 5.19 of the Export Promotion Capital Goods (EPCG) Scheme. The petitioner would further submit that by G.O(3D) No.4, Industries (MMB-1) Department, dated 13.01.2009, there was a ban imposed on the quarrying by the Principal Secretary to Government of Tamil Nadu, Industries Department,



W.P.(MD) No.15364 of 2023

Chennai. He would submit that since there was a ban, there is an automatic extension as per the scheme mentioned above. Therefore, he has come forward with the writ petition directing the respondent to consider his representation.

3. Mr.N.Dilipkumar, learned Standing Counsel appearing for the respondent would submit that there is an amnesty scheme, which is available to the petitioner and he would opt for the same.

4. In view of the above, this Writ petition is disposed of with a direction to the petitioner to apply under the amnesty scheme offered by the respondent and on such application is being made, the respondent shall consider the same and pass orders within a period of four weeks from the date of receipt of the application. No costs. Consequently, connected miscellaneous petition is closed.

28.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp



WEB COPY



W.P.(MD) No.15364 of 2023

P.T.ASHA, J.

cp

W.P.(MD) No.15364 of 2023

Dated: 28.06.2023