



WEB COPY



W.P.No.7882 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2024

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.7882 of 2024
and W.M.P.Nos.8849 & 8850 of 2024

M/s.BOX VFX India Pvt. Ltd.,
Represented by its Director, Mr.Sreyans Bardia
Lebara Tower 10th Floor Door No.327,
Anna Salai Teynambet,
Chennai, Tamil Nadu - 600 006.

... Petitioner

-VS-

The Additional Commissioner of Customs (EODC-ACC)
New Custom House, Chennai - VII Commissionerate
Air Cargo Complex Meenambakkam,
Chennai 600 016.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari, call for the records pertaining to the impugned order-in-original no.996/2024 dated 17.02.2024 issued in F.No.CUS/LIC/EPCG/447/2023-EODC passed by the respondent and quash the same.



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For Petitioner : Mr.Hari Radhakrishnan

WEB COPY For Respondent : Mr.H.Siddarth, Jr. SC

ORDER

An order in original dated 17.02.2024 is challenged in this writ petition. The petitioner was granted an export promotion capital goods (EPCG) licence by the Directorate General of Foreign Trade. In relation thereto, proceedings were initiated for alleged violation of the terms and conditions of the EPCG licence. Such proceedings resulted in the issuance of an order dated 20.03.2023 by the Deputy Directorate General of Foreign Trade. Such order was carried in appeal before the Additional Directorate General of Foreign Trade. The appellate authority found that the petitioner seemed to have completed its export obligation. On that ground, the order of the Deputy Directorate General of Foreign Trade was set aside and the



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matter was remanded for *de nov* examination after verifying the original documents.

2. Meanwhile, the order impugned herein was issued on 17.02.2024 entirely on the basis of the order in original of the Deputy Directorate General of Foreign Trade.

3. By adverting to the above orders, learned counsel for the petitioner submits that the impugned order is liable to be set aside in view of the appellate order of the Additional Directorate General of Foreign Trade.

4. Mr.H.Siddarth, learned junior standing counsel, submits that the impugned order may be set aside subject to the right to initiate *de nov* proceedings based on the outcome of the remanded proceedings before the Deputy Directorate General of Foreign Trade.



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5. In view of the above submissions, the impugned order dated 17.02.2024 is set aside by leaving it open to the respondent to initiate *de nov* proceedings, if warranted, based on orders issued upon *de nov* examination by the Deputy Directorate General of Foreign Trade.

6. W.P.No.7882 of 2024 is disposed of on the above terms. No costs. Consequently, W.M.P.Nos.8849 and 8850 of 2024 are closed.

04.04.2024

rna
Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes / No

To

The Additional Commissioner of Customs (EODC-ACC)
New Custom House, Chennai - VII Commissionerate
Air Cargo Complex Meenambakkam,
Chennai 600 016.



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SENTHILKUMAR RAMAMOORTHY,J

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