



WEB COPY



W.P.Nos.12733, 12739, 12744, 12745 & 12746 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

CORAM:

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

W.P.Nos.12733, 12739, 12744, 12745 & 12746 of 2020

and

W.M.P.Nos.15728, 15730, 15732, 15737, 15738 & 15739 of 2020

Mold Masters Technologies Private Limited,
(now known as Milacron India Private Limited)
Previously having address at:
Shiv Chambers,
247, Alagesan Road, Saibaba Colony,
Coimbatore – 641 011.

And now having address at:
3B, Gandhiji Salai, Nallampalayam Road,
Rathinapuri (post), Coimbatore – 641 027,
Represented by its Authorised Signatory,
Mrs.Praveena Dhanagopal.

...Petitioner in all W.P.s

Vs.

1. Union of India
Ministry of Commerce and Industry,
Through its Secretary,
Udyog Bhawan,
New Delhi – 110 001.
2. Union of India,
Ministry of Finance,
Through its Secretary,
North Block, New Delhi – 110 001.



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3. Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India,
Udyog Bhawan,
New Delhi – 110 001.
4. Joint Director General of Foreign Trade,
Office of the Joint Director General of Foreign Trade,
1544, India Life Building (Annexe), I Floor,
Trichy Road, Coimbatore – 641 018. ...Respondents in all W.P.s

W.P.No.12733 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari calling for the records pertaining to order in Original bearing F.No.32/21/71/00001/AM17/102 and dated 10.02.2020 passed by respondent No.4 and to quash the same.

W.P.No.12739 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of certiorari calling for the records pertaining to order in Original bearing F.No.32/21/71/00002/AM17/102 and dated 10.02.2020 passed by respondent No.4 and to quash the same.

W.P.No.12744 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition prohibiting them from proceeding further or taking any coercive steps in furtherance to Order in Original bearing F.No.32/21/71/00001/AM17/102 and dated 10.02.2020 issued by the respondent No.4 pending disposal of the ***SLP (C) No.28830/2017 in Cummins Technologies India Pvt. Ltd. V.Union of***



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India before the Hon'ble Supreme Court.

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W.P.No.12745 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition prohibiting them from proceeding further or taking any coercive steps in furtherance to Order in Original bearing F.No.32/21/71/00002/AM17/102 and dated 10.02.2020 issued by the respondent No.4 pending disposal of the ***SLP (C) No.28830/2017 in Cummins Technologies India Pvt. Ltd. V.Union of India*** before the Hon'ble Supreme Court.

W.P.No.12746 of 2020: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to grant to the petitioner, MEIS authorizations (with validity from the date of grant as opposed to the date of application), in respect of MEIS applications made by the petitioner and which the petitioner is eligible to apply for, and, to further forbear the respondents from putting on hold any other benefits that the petitioner is lawfully entitled to under the Foreign Trade Police.

In all W.P.s:

For Petitioner : M/s.Anusha Perri

For Respondents : No Appearance

COMMON ORDER

The issue involved in these writ petitions relate to the demand made



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by the respondents directing the petitioner to remit the excess amount towards reward / incentive granted to the petitioner in Serve from India Scheme (in short ' SFIS Scheme').

2. The learned counsel for the petitioner submits that the issue involved in these writ petitions is seized up by the Hon'ble Supreme Court and a decision is awaited. He has also produced the copy of the order dated 11.07.2019 in the case of ***M/s.Cummins Technologies India Pvt. Ltd. Vs. Union of India Transpose Secretary & Ors.*** arising out of ***SLP(C) No.28098 of 2019.***

3. He further submits that based on the decision of the Hon'ble Apex Court on the above said case, the present batch of writ petitions can also be disposed of.

4. Though the notice was served on the respondents, no one appeared on their behalf. Considering the period of pendency of these writ petitions, they are disposed of by way of this common order.



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WEB COPY 5. Heard the learned counsel for the petitioner and perused the materials placed on record.

6. However, on a perusal of the orders which are impugned in these writ petitions is evidently clear that there is an alternative remedy of appeal available before the Additional Director General of Foreign Trade under Section 15 of Foreign Trade (Development and Regulation Act, 1992). It is also an admitted fact that the petitioner, without availing such alternative remedy have filed the batch of writ petitions before this Court. When an alternative, effective and efficacious remedy of appeal is available before the appellate authority, invocation of writ jurisdiction under Article 226 of the Constitution of India is not proper. Therefore, on this ground, all these writ petitions are disposed of.

7. It is made clear that the period, during which the present writ petitions are pending before this Court can be excluded by the appellate authority, if an appeal is filed by the petitioner as directed by this Court. The



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petitioner is also directed to file such a statutory appeal before the appellate authority within a period of six (6) weeks from the date of receipt of a copy of this order.

8. Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

30.09.2024

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Index	: Yes/No
Speaking order	: Yes/No
NCC	: Yes/No



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To:

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New Delhi – 110 001.
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Through its Secretary,
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M.DHANDAPANI, J.

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