



WEB COPY

W.P.Nos.14173 and 14177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**

W.P.Nos.14173 and 14177 of 2024
and WMP.Nos.15359 and 15367 of 2024

Rajesh Exports Limited,
Batavia Chambers,
Kumara Krupa Road,
Kumara Park East,
Bangalore – 560001
Represented by its Chairman Rajesh Mehta

.... Petitioner in both W.P.'s

Vs

The Special Director,
Directorate of Enforcement,
Southern Regional Office,
Chennai – 600 006.

.... Respondent in W.P.'s

Prayer in W.P.No.14173 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent dated 09.03.2023 in Order No.SDE/SRO/BGZO/08/2023, quash the same and remand it back to the respondent to consider it De Novo as per the provisions of law and pass such other orders as may be deemed fit and proper in the circumstances of the case.



W.P.Nos.14173 and 14177 of 2024

Prayer in W.P.No.14177 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the respondent Order No.SDE/SRO/BGZO/01/2024 dated 29.01.2024, quash the same and remand it back to the respondent to consider it De Novo as per the provisions of law and pass such other orders as may be deemed fit and proper in the circumstances of the case.

In both W.P.'s
For Petitioner : Mr.Suhrith Parthasarathy
for Ms.P.Meghana Nair
For Respondents : Ms.S.Lydia Steffi
for Mr.Rajnish Pathiyil
Senior Panel Counsel

COMMON ORDER

Pursuant to admission of the matter on 04.06.2024, separate counter affidavits, both dated 02.07.2024, have been filed by the Assistant Director, Directorate of Enforcement, Chennai, wherein at paragraphs 5 and 6, he states as follows:

W.P.No.14173 of 2024:

5.Without transversing to the averments made in the affidavit, I submit that the documents sought in para 7 of the affidavit are available for inspection at the office of the Respondent and the same can be inspected by the Petitioner herein. However, if the petitioner requires a copy of the



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same, the same can also be furnished to the petitioner.

6. I further submit that the petitioner, on receipt/inspection of the said documents, may submit an additional reply, if required, after perusing the said relied-upon documents. The respondent can thereafter adjudicate the Show Cause Notice in accordance with law, considering all documents and submissions.

W.P.No.14177 of 2024:

5. Without transversing to the averments made in the affidavit, I submit that the documents sought in para 8 of the affidavit I submit that the documents were collected during the process of inquiry in terms of Rule 4(6) of Foreign Exchange Management (Adjudication proceedings and Appeal) Rules, 2000 and are available for inspection at the office of the Respondent and the same can be inspected by the Petitioner herein. However, if the petitioner requires a copy of the same, the same can also be furnished to the petitioner.

6. I further submit that the petitioner, on receipt/inspection of the said documents, may submit an additional reply, if required, after perusing the said relied-upon documents. The respondent can thereafter adjudicate the Show Cause Notice in accordance with law, considering all documents and submissions.

2. In light of the aforesaid, impugned orders dated 09.03.2024 (W.P.No.14173 of 2024) and 29.01.2024 (W.P.No.14177 of 2024) shall be treated as show cause notices. Let the process of inspection and enquiry be proceeded with, the petitioner heard in person and orders passed afresh, in accordance with law.



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Dr.ANITA SUMANTH,J.

WEB COPY 3. This exercise will be completed within a period of eight (8)

weeks from date of receipt of a copy of this order.

4. These Writ Petitions are disposed in the aforesaid terms. No costs. Connected Miscellaneous Petitions are closed.

sl

05.07.2024

Index:Yes/No

Speaking order:Yes

Neutral Citation:Yes

To

The Special Director,
Directorate of Enforcement,
Southern Regional Office,
Chennai – 600 006.

W.P.Nos.14173 and 14177 of 2024
and WMP.Nos.15359 and 15367 of 2024