



WEB COPY

W.P.No.184



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18405 of 2020
and W.M.P.No.22799 of 2020

M/s. Nagavalli Enterprises

... Petitioner

Vs.

1. The Additional Director General of Foreign Trade,
Shastri Bhawan,
Haddows Road,
Chennai – 600 006.

2. The Deputy Director General of Foreign Trade,
Shastri Bhawan,
Haddows Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent culminating in the order-in-original passed from File No.04/21/021/00832/AM12 dated 13.12.2019 and quashing the same direct the 2nd respondent to consider the documents submitted for discharge of export obligation under cover of the petitioner's letter dated 01.09.2020 in accordance with law.

For Petitioner	: Mr.S.Murugappan
For Respondents	: No appearance

ORDER

The order passed by the Additional Director General of Foreign Trade in the



proceedings dated 13.12.2019 is said to be quashed in the present Writ Petition.

2. The learned counsel for the petitioner, Mr.S.Murugappan would contend that the petitioner company had fulfilled the export obligation in entirety. However, there was a delay in submitting the required documents due to intervention of COVID-19 Pandemic. There was no intention on the part of the petitioner to delay filing of the documents to establish compliance of the export obligations and thus, the Writ Petition is to be considered.

3. Admittedly, an appeal is contemplated under the Act to be preferred before the Additional Director General of Foreign Trade. The petitioner has not preferred any such appeal so far. The disputed facts raised by the petitioner in the present Writ Petition cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such adjudication requires verification of original documents and evidences, so as to establish that the petitioner had complied with the export obligations, as required under the Act. Therefore, the petitioner is at liberty to prefer an appeal before the Appellate Authority, within a period of 30 days from the date of receipt of a copy of this order. On filing of any such appeal, within a period of 30 days, the Appellate Authority shall adjudicate the issues on merits and by affording opportunity to the petitioner and pass orders as expeditiously as possible. However, it



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is made clear that in the event of filing of appeal, the same shall not be rejected on the ground of delay.

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4. Accordingly, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

18.01.2024

skr

Index : Yes

Speaking order

To

1. The Additional Director General of Foreign Trade,
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Haddows Road,
Chennai – 600 006.
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S.M.SUBRAMANIAM, J.

skr

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