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W.P.No.26281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26281 of 2024

And

W.M.P.Nos.28705, 28708 and 28709 of 2024

1.M/s.Dhivya Printers
Rep. by its
Kanagaraj (Proprietor)

2.Kanagaraj (Proprietor)

... Petitioners

Vs.

1.The Deputy Director General of Foreign Trade,
Office of the Joint Director General of Foreign Trade,
1544, India Life Building (Annexe),
1 Floor Trichy Road,
Coimbatore – 641 018.

2.The Commissioner of Custom (EPCG),
Customs House, Chennai Sea Port,
No.60, Rajaji Salai,
Chennai – 600 001.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Show Cause Notice file no 32/21/021/184/AM15, dated 22.04.2024 issued by the first respondent, under the



W.P.No.26281 of 2024

foreign trade (Development & Regulation) Act and in terms of Rule 7 of the Foreign Trade (regulation) Rules, 1993 and quash the same.

For Petitioners : Mr.K.Nagarajan
For Respondents : Mr.J.Vasu for R2

O R D E R

W.M.P.No.28705 of 2024 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

2.Mr.J.Vasu, learned counsel takes notice on behalf of the second respondent. Since this Court is not inclined to pass any adverse order as against the first respondent, notice to the first respondent is dispensed with. By consent, the writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Show Cause Notice file no 32/21/021/184/AM15, dated



W.P.No.26281 of 2024

22.04.2024 issued by the first respondent, under the Foreign Trade (Development & Regulation) Act and in terms of Rule 7 of the Foreign Trade (Regulation) Rules, 1993 and to quash the same.

4.The learned counsel appearing for the petitioners submitted that for non-fulfilling of export obligation as per the EPCG Authorization, the first respondent issued the impugned show cause notice under the Foreign Trade (Development & Regulation) Act and in terms of Rule 7 of the Foreign Trade (Regulation) Rules, 1993 to show cause under Section 7(1)(k) of Foreign Trade (Regulation) Rules, 1993 as to why penal action as per the Foreign Trade (Development & Regulation) Act, 1992 should not be taken against the petitioner including refusal of further authorization and other EXIM benefit. The learned counsel further submitted that the petitioners submitted objection and justification, however, the proceedings has not yet been concluded.

5.The learned counsel appearing for the petitioners further submitted that without going into the merits of the case, this Court may issue direction to the respondents to conclude the proceedings, within a reasonable time frame.



W.P.No.26281 of 2024

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6.Considering the limited request made by the learned counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, directs the respondents to consider the petitioners objection and justification and conclude the proceedings in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.This writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petitions are closed.

11.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Deputy Director General of Foreign Trade,
Office of the Joint Director General of Foreign Trade,
1544, India Life Building (Annexe),
1 Floor Trichy Road,
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- 2.The Commissioner of Custom (EPCG),
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M.DHANDAPANI,J.
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