



WEB COPY



W.P.No.34116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.11.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.34116 of 2024and

W.M.P.No. 36929 of 2024

1. Mr.T.Jaya Mohan
2. Mr.Leyananth.T
- ...Petitioners

Vs.

1. Union of India
Represented by its Secretary
Ministry of Commerce and Industry
Department of Commerce,
Udyog Bhavan, New Delhi-110 107.
2. The Director General of Foreign Trade,
4th floor, Shastri Bhawan Annexe,
26, Haddows Road, Chennai-600 006.
3. The Deputy Director General of Foreign Trade
4th floor, Shastri Bhawan Annexe,
26, Haddows Road, Chennai-600 006.
4. M/s.Titanium Tantalum Products Limited,
Represented by its Official Liquidator
Mr.Vasudevan
86/Vengaivasal Main Road,
Chennai-601 302

.Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari and Mandamus, call for impugned proceedings bearing Number F.No. CHNECAAPPLY00001281AM23 on the file of the 3rd Respondent and its connected consequential impugned order dated 31.07.2023 bearing file No. 04/24/040/141/AM12/24 passed by the 3rd Respondent and quash the same and the proceedings arising thereof and consequently to hold proper and fresh proceedings.

For Petitioner : M/s.Nathan and Associates
For Respondents 1 to 3 : Mr.Prasad Vijaya Kumar
Senior Panel Counsel (Central Government)

ORDER

This writ petition is filed challenging the order passed by the 3rd respondent imposing penalty of Rs.10,000/- (rupees ten thousand only) on the 4th respondent by exercising of power under Section 13 of Foreign Trade (Development and Regulation) Act, 1992.

2. It is brought to the notice of this Court against the impugned order, an appeal remedy is available to the petitioner under Section 15(1) of the Foreign Trade (Development and Regulation) Act, 1992 before the Appellate Authority namely the Zonal Additional Director General of Foreign Trade, Chennai.

3. In view of the availability of alternative remedy, this Court is not inclined to entertain the writ petition filed by the petitioner. Accordingly, the



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same is dismissed. However, the petitioner is at liberty to file an appeal before the competent authority namely Zonal Additional Director General of Foreign Trade, Chennai within a period of four weeks from the date of receipt of copy of this order. If any such appeal is filed, the competent authority shall dispose of the same in accordance with the law. No costs. Consequently, the connected miscellaneous petition is closed.

21.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

1. The Secretary

Ministry of Commerce and Industry,
Department of Commerce,
Udyog Bhavan, New Delhi-110 107.

2. The Director General of Foreign Trade,
4th floor, Shastri Bhawan Annexe,
26, Haddows Road, Chennai-600 006.

3. The Deputy Director General of Foreign Trade,
4th floor, Shastri Bhawan Annexe,
26, Haddows Road, Chennai-600 006.

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S.SOUNTHAR, J.
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