



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15540/2024 & CM APPL. 65264/2024**

**APURVA RUDRA SOLE PROPRIETOR GLOBAL MARINE
INSPECTION**

.....Petitioner

Through: Mr. Dhruv Sharma, Mr. Uday Sharma
and Ms. Garima Payla, Advocates.

versus

DIRECTORATE GENERAL OF FOREIGN TRADE AND ANR

.....Respondents

Through: Mr. P. S. Singh, CGSC with Ms.
Archana Surve, GP for R-1 & 2.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **29.11.2024**

CM APPL. 69891/2024(seeking interim relief)

1. Through this application, Petitioner seeks interim directions for restoration of five countries in Petitioner's area of operation. However, during the course of submissions, counsel for Petitioner instead requests that the writ petition be disposed of with a direction to Respondent to decide on their representations dated 23rd September 2024 and 28th September, 2024 which are pending consideration with Respondents.
2. Accordingly, without going into the reliefs sought in the present application, the main petition is being called on Board with the consent of counsel for parties.



3. Disposed of.

W.P.(C) 15540/2024

4. Petitioner was enlisted as a Pre-Shipment Inspection Agency¹ with effect from 15th December, 2016, and after the expiry of its term, Petitioner was again recognized as a PSIA through Public Notice dated 28th December, 2020. Through the said notice, Petitioner was granted the area of operation of 24 countries.

5. On 5th April, 2024, Directorate General of Foreign Trade² held the 24th meeting of the Inter-Ministerial Committee wherein it was decided that area of operation shall be limited to countries where the PSIA has actual physical presence and accordingly, the area of operation of Petitioner's concern was reduced to four countries. It was further decided that DGFT would call for information from PSIA to declare the specific instruments and inspectors corresponding to specific countries/branches.

6. Subsequently, on 12th June, 2024, a public notice was issued and the area of operation of Petitioner was extended up to 24 countries. Petitioner asserts that the same was done on account of the fact that 24 Handheld Radiation Survey Meters and Radio Nuclear Identifiers (Spectrometers) owned by the Petitioner were duly approved by the members of Inter-Ministerial Committee, as reflected in the Minutes of Meeting held on 5th April, 2024.

7. Thereafter, the impugned communication was issued which was received by the Petitioner on 16th September, 2024 whereby area of

¹ "PSIA"

² "DGFT"



operation of Petitioner was reduced to 17 countries as against 24 countries as reflected in Public Notice dated 12th June, 2024 and Minutes of Meeting of Inter-Ministerial Committee dated 5th April, 2024.

8. Aggrieved by the impugned communication, Petitioner sent a representation dated 23rd September, 2024 clarifying their stance on the requirement in the impugned communication. Thereafter, DGFT issued a communication dated 26th September, 2024 asking for the information to be furnished in a specific format which was duly provided by the Petitioner through communication dated 28th September, 2024. Petitioner has also made additional submissions in CM APPL. 69891/2024 putting forth their stand.

9. In light of the above, without going into the merits of the case since Petitioner's representations are still pending consideration, in the opinion of the Court, at the first instance, Respondents must take a decision in a time bound manner.

10. Accordingly, the present writ petition is disposed of, with following directions:

- (i) DGFT is directed to take a decision on Petitioner's representations dated 23rd September, 2024 and 28th September, 2024. While taking a decision, Respondents shall also consider the additional submissions which have been advanced in CM APPL. 69891/2024.
- (ii) Respondents are expected to take a decision expeditiously, not later than three weeks from today.

11. All rights and contentions of parties are reserved.

12. With the above directions, the present petition is disposed of, along with pending application.



13. The next date of hearing i.e. 17th February, 2025 stands cancelled.

NOVEMBER 29, 2024/d.negi

SANJEEV NARULA, J