



W.P.No.4035 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.4035 of 2023

and

W.M.P.No.4074 of 2023

DA.Arvind (Formerly known as C.D.Aravindh)

... Petitioner

Vs.

The Joint Director General of Foreign Trade,
Ministry of Commerce and Industry,
1554, India Life Building (Annexe),
I Floor, Trichy Road,
Coimbatore – 641 018.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the respondent herein leading to issuance of impugned order vide File No.32/21/021/01165/AM08 dated 16.11.2022, quash the same.

For Petitioner : Mr.S.Sathiyarayanan

ORDER

Challenging the order passed by the respondent imposing a penalty of Rs.1,17,000/- on the Licensee and its Proprietor/Partners/Directors towards



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non-fulfillment of export obligation in full against subject authorization, the present writ petition is filed.

2. The petitioner was one of the Directors of M/s.SKE Sismo Clothing India Private Limited prior to winding up of the said company. Later, the company's name was changed to M/s.SKE Darma Clothing India Pvt. Ltd. and the said company obtained authorization dated 03.10.2007 under EPCG Scheme at 5% concessional duty for duty saved value of Rs.58,408.30/- to export readymade garments worth 11,313,95/- dollars to be fulfilled in a period of eight years. Whilso, for non-fulfillment of the export obligation, the respondent had initiated proceedings under the Foreign Trade (Development and Regulation) Act, 1992 against the company, by issuing show cause notice. After receiving reply from the company, the respondent had passed the impugned order dated 16.11.2022, imposing a penalty of Rs.1,17,000/- on the Licensee and its Proprietor/Partners/Directors towards non-fulfillment of export obligation in full against subject authorization. Aggrieved by the same, the petitioner has filed this writ petition before this Court.

3. Heard the learned counsel appearing for the petitioner and also perused the materials available on record.



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WEB COPY 4. It is pertinent to note that as against the impugned order there is an effective appeal remedy available before the Director General of Foreign Trade in terms of Section 15 of the Foreign Trade (Development and Regulation) Act, 1992. Without doing so, filing the present writ petition is *per se* unsustainable. Hence, this Court is not inclined to interfere with the impugned order passed by the respondent and this Writ Petition is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed, granting liberty to the petitioner to file an appeal before the appellate authority u/s 15 of the Foreign Trade (Development and Regulation) Act, 1992, if so advised. The period pending before this Court is excluded for the purpose of limitation. No costs. Consequently, the connected miscellaneous petition is closed.

08.10.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To
The Joint Director General of Foreign Trade,
Ministry of Commerce and Industry,
1554, India Life Building (Annexe),
I Floor, Trichy Road, Coimbatore – 641 018.



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M.DHANDAPANI, J.

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