



WEB COPY

WP No. 3232 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 3232 of 2024

and

WMP No.3499 of 2024

M/s.Pavan Doors And Windows India Pvt. Ltd.,
Rep. By Its Director, 26/1 Kovalan Street,
Teachers Colony, Erode 608011.

Petitioner(s)

Vs.

The Joint Director General of Foreign Trade,
1544, India Life Building (Annexe),
1st Floor, Trichy Road,
Coimbatore 641018.

Respondent(s)

PRAYER:- Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus, calling for the entire records relating to the Order in Original in File No. 32/21/021/01170/AM11 dated 17.01.2024 passed by the Respondent and quash the same.

For Petitioner(s): Ms.R.Sri Visvapriya

For Respondent(s): Mr.K.Srinivasa Murthy
Senior Panel Counsel



ORDER

This Writ Petition has been filed challenging the order dated 17.01.2024 passed by the respondent

2. The learned counsel appearing for the petitioner would submit that the petitioner is an export oriented Company and the respondent issued authorization under EPCG scheme for the petitioner to export of the capital goods for concessional rates of the custom duty. The petitioner filed an bill of entry for the import under EPCG scheme of the year 2010 and thereafter, letter intimating en-cashing of bank guarantee has been issued on 06.09.2017. However, subsequently, the respondent issued show cause notice as if the petitioner not fulfilled the export obligation as per the EPCG scheme and thereby, the final order was passed without providing opportunity of personal hearing to the petitioner and the same was challenged in W.P.No.4285 of 2022 and this Court, by its order dated 25.02.2022 allowed the writ petition on the ground of violation of principles of natural justice. However, without any liberty from this Court, the respondent again issued a show cause notice and passed the present impugned order. Challenging the same, the present writ petition is filed.



3. Heard the learned counsel for the petitioner as well as the respondents and perused the papers available on record.

4. The learned counsel for the petitioner would submit admittedly, the EPCG scheme was granted in favour of the petitioner in the year 2010 however, for non-fulfilment of the export obligation due to unavoidable situation, which was properly explained before the original Authority even then, the Original Authority without considering the genuine grievance expressed by the petitioner passed the impugned order, which is not acceptable one, that too, without the liberty from this Court to continue the earlier proceedings. Accordingly, he prayed for appropriate orders.

5. Per contra, the learned counsel for the respondents would submit that the earlier writ petition filed by the petitioner was disposed without providing opportunity to the respondent thereby, the respondent initiated show cause notice as per the order of this Court and passed the present impugned order and, as against the impugned order, the effective appeal remedy is available under Section 15 of the Foreign Trade (Development and Regulation) Act on the file of the Additional Director General of Foreign Trade and without availing the appeal remedy, filing the present writ petition is not maintainable.



6. In view of the submissions made, this Writ Petition is disposed of granting liberty to the petitioner to avail the appellate remedy before the competent authority. No costs. Consequently, connected miscellaneous petition is closed.

21-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

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M.DHANDAPANI J.

KKN

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