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WP No. 23022 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-10-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 23022 of 2022
and WMP No.22042 of 2022**

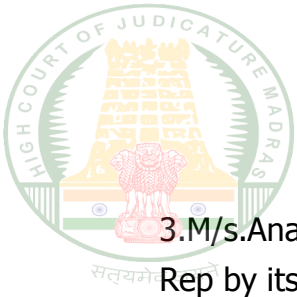
M/s.Ohm Sakthi Hotels and Conventional
Centre Pvt Ltd.,
Rep. by its Director Mr.V.Kannan,
Having its registered office at
New No. 53, Old No. 23,
Flat No. 3C-Mandira Apartment,
Dr.B.Narasiaman Road, T.Nagar,
Chennai-17.

Petitioner(s)

.Vs.

1. The Government of India
Ministry of Commerce and Industry,
Rep by the Deputy Director General of
Foreign Trade, Shastri Bhawan,
Haddows Road, Chennai-600 006.

2.The Commissioner of Customs
Customs House, No.60, Krishna Block, Rajaji
Salai, Opp To Dist Collectorate,
Chennai-600 001.



3.M/s.Anandha inn (P) Ltd.,

Rep by its Managing Director

Mr.Thirunavukkarasu,

No.90, Muthumari Amman Kovil Street,

Puducherry-605 001.

4.Radjaradjane

The Executive Director M/s. Anandha inn (P)

Ltd, No.90, Muthumari Amman Kovil Street,

Puducherry-605 001.

5.Saroja

6.Arulkumaran

Respondent(s)

PRAYER

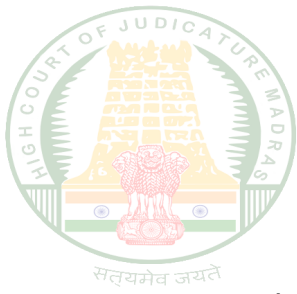
Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the 1st and 2nd Respondents from disturbing or interfering with the petitioners peaceful possession and enjoyment of the lease hold premises namely Hotel Anandha Inn bearing Door No. 152 and 154, S.V.Patel Salai, Puducherry-605 001 till the lease period expires.

For Petitioner(s): Mr.D.Senthilkumar

For Respondent(s): M/s. B.Rabu Manohar
SCGC For R1

Mr.H.Siddharth
Junior Standing Counsel for R2

Mr. M.Gopinath for R3



ORDER

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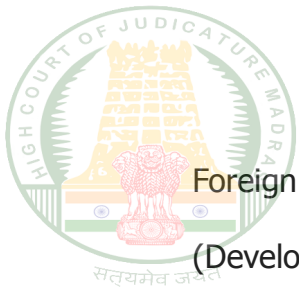
This writ petition has been filed for the issue of a writ of mandamus forbearing the 1st and 2nd respondents from disturbing or interfering with the peaceful possession and enjoyment of the petitioner in the leasehold premises till the lease period expires.

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. It is seen from records that the 1st respondent has passed an order dated 09.02.2021 as against the 3rd respondent in the following terms:

ORDER

The undersigned has gone through the above facts of the case thoroughly and carefully for deciding the case suo-moto/ex-parte on merits, in the absence of any export documents toward futinent of export obligation and installation certificate as well as in the absence of documentary proof for having paid the duty saved value utilised and interest thereon in case of non-fulfilment of export obligation intended for the above authorisation/licence, the undersigned has every reason believe that M/s. Anandha Inn (P) Ltd., Pondicherry had misutilised the EPCG Scheme and wilfully defaulted in fulfilling the export obligation, deserving themselves for action/penalty under



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Foreign Trade (Development & Regulation) Act, 1992 read with Foreign Trade (Development & Regulation Amendment Act, 2010 (Notification dated 20.8.2010 and Foreign Trade (Regulation) Rules, 1993, s amended from time to time.

The undersigned, in exercise of the powers vested in him under Section-13 of Foreign Trade (Development & Regulation) Act, 1992 read with Foreign Trade (Development & Regulation Amendment Act, 2010 (Notification dated 20.8.2010) as amended from time to time, hereby impose a fiscal penalty of Rs.3,00,000/- (Rupees Three Lakhs only), in addition to the customs duty (duty saved value utilised) and interest thereon under Section 11(7) of Foreign Trade (Development & Regulation) Act, 1992 read with Foreign Trade (Development & Regulation) Amendment Act, 2000 (Notification dated 20.8.2010) as amended from time to time.

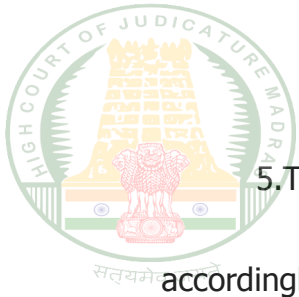
The undersigned, further, orders that no further licence/authorisation/export incentives etc. shall be granted to M M/s Anandha Inn (P) Ltd., Pondicherry and its Directors or to any other firms in which the Directors are directly Involved in the capacity of Proprietor/Partner/Director under Section-9(2) of Foreign Trade (Development & Regulation) Act, 1992 read with Foreign Trade (Development & Regulation) Amendment Act, 2010 (Notification dated 20.8.2010) and Rule-7 of Foreign Trade (Regulation) Rules, 1993 as amended from time to time.

This order is issued without prejudice to any other action that may be taken under any other Act, Rules or Regulations etc. in force.



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4. The purport of the above order is that the 3rd respondent has not fulfilled the EPCG obligations and therefore penalty has been imposed. Normally after the orders are passed by the 1st respondent, it is implemented by the 2nd respondent. It is not known as to whether the 3rd respondent has even challenged this order. However, the petitioner who claims to be a leaseholder under the 3rd respondent, on a mere apprehension has knocked the doors of this Court to prevent the 1st and 2nd respondents from interfering with the possession and enjoyment of the property. There is absolutely no material to show that any such attempt was made by the 1st and 2nd respondents. This Court is of the view that the 3rd respondent is now trying to get over the order passed by the 1st respondent by using the petitioner who has taken the premises on lease and the petitioner has come before this Court and seeking for an innocuous prayer. A writ petition filed on a mere apprehension can never be entertained. In any case, the petitioner has not stated as to what happened after the orders were passed by the 1st respondent. Therefore, the petitioner cannot now try to safeguard the 3rd respondent who has not fulfilled the EPCG obligations, in the guise of preventing the 1st and 2nd respondents from taking further action.



5. This Court does not find any merits in the present writ petition and

accordingly, this writ petition stands dismissed. There shall be no order as to costs.

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Consequently, connected miscellaneous petition is closed.

10-10-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

KP



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1.The Government of India

Ministry of Commerce and Industry, Rep
by the Deputy Director General of Foreign
Trade, Shastri Bhawan, Haddows Road,
Chennai-600 006.

2.The Commissioner of Customs

Customs House, No.60, Krishna Block,
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WEB COPY

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N.ANAND VENKATESH J.

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