



W.P.(MD) Nos.19663 and 19664 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) Nos.19663 and 19664 of 2015

and

W.M.P.(MD) Nos.1, 1, 2 and 2 of 2015

M/s.Naz Granites,
Rep., by its Authorized Signatory,
A.M.Yusuf Ansari,
No.12A/32, S.P.Nagar,
Batlagundu Road, Begambur,
Dindigul District.

.. Petitioner
in both W.Ps.

Vs.

The Joint Director General of Foreign Trade,
Office of the Joint Director,
General of Foreign Trade,
No.117, K.K.Nagar, Madurai-625 020.

.. Respondent
in both W.Ps.

Prayer in both W.Ps.: Petitions filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned orders of the Respondent in F.No. 35/36/21/00100/AM06/442, dated 17.04.2015 and F.No. 35/36/21/300/AM06, dated 05.12.2014 and quash the same as illegal and



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consequently direct the Respondent to reconsider the issue after following the mandatory procedure prescribed under the Foreign Trade (Development and Regulation) Act, 1992.

In both W.Ps.

For Petitioner : Mr.M.Kannan

For Respondent : Mr.Govindarajan
Deputy Solicitor General of India

COMMON ORDER

The challenge in the writ petitions is to the penalty proceedings issued by the respondent under the provisions of the Foreign Trade (Development and Regulation) Rules, 1993.

2. It is the primordial contention of the learned counsel for the petitioner that prior to the initiation of penalty proceedings, no show cause notice has been issued and what had been relied upon by the respondent is the show cause notice issued on 25.07.2014, which related to the demand of interest payable by the petitioner. He would submit that pursuant to the said show cause notice dated 25.07.2014, orders were



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also passed by the respondent on 23.09.2014 and 05.12.2014 respectively. Therefore, the said show cause notice dated 25.07.2014 had culminated into final orders dated 23.09.2014 and 05.12.2014.

3. A perusal of the impugned orders also do not indicate any fresh notice for initiating penalty proceedings. In such view of the matter, the impugned orders are set aside. The respondent is at liberty to initiate appropriate proceedings in the manner known to law, after issuing a show cause notice calling upon the petitioner as to why penalty proceedings should not be initiated against him.

4. With the aforesaid liberty, these Writ Petitions stand allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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K.KUMARESH BABU, J.

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To

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