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

+ W.P.(C) 1608/2025 & CM APPL.7824/2025 (Stay)
JOMI KUDIYIRUPPIL JOSE SOLE PROPRIETOR VALMARK
INTERNATIONALPetitioner

Through: Mr. Dhruv Sharma, Advocate.
versus

DIRECTORATE GENERAL OF FOREIGN TRADE AND ANR

.....Respondents

Through: Mr. P. S. Singh, CGSC along with
Mr. Chetan Jadon, GP, Mr. Mritunjay
Kumar Singh, Mr. Rohit Singh and
Mr. Manav Sharma, Advocates for R-
1 and R-2 (UOI).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **10.02.2025**

CM APPL.7825/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 1608/2025

3. The petitioner is the sole proprietor of the firm - M/s Valmark International which is a Pre-Shipment Inspection Agency ('PSIA') and is engaged in carrying out pre-shipment inspections. The petitioner's sole proprietorship concern, which has been enlisted as a PSIA by the respondent no.1 [Director General of Foreign Trade (DGFT)] in Appendix-2G of Appendices and Aayat Niryat Forms of Foreign Trade Policy, 2015-2020 pursuant to Para 2.55(d) of the Handbook of Procedures (HBP) 2015-20 (hereinafter '*appendix 2G*') for issuing Pre-Shipment Inspection



Certificates, can carry out such pre-shipment inspections in those countries which fall within its 'area of operations'.

4. The present petition has been filed by the petitioner being aggrieved by the action of the respondent no.1, pursuant to which, the area of operations of the petitioner has been restricted from 31 countries to only 5 countries.

5. It is pointed out that *vide* a public notice dated 03.11.2022 issued by the respondent no.1, wherein the petitioner was included as a PSIA in the aforesaid Appendix-2G, the area of operations of M/s. Valmark International was extended to various countries which are as follows –

Australia, Austria, Bahrain, Belarus, Belgium, Bolivia, Botswana, Brazil, Canada, Chile, China, Colombia Congo, Congo P Rep, Costa Rica, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guam, Haiti, Honduras, Hong Kong, Hungary, Indonesia, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Korea, Kuwait, Latvai, Lebanon, Lithuania, Malawi, Malaysia, Maldives, Malta, Mauritius, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Reunion, Romania, Russian Federation, Saudi Arabia, Senegal, Singapore, Slovakia (Slovak Republic), Slovenia, Somalia, South Africa, Spain, Sweden, Taiwan, Tanzania, Thailand, Togo, Turkey, Ukraine, United Arab Emirates, United Kingdom, Unites States, Uruguay, Venezuela

6. In the 24th Meeting of the Inter-Ministerial Committee ('IMC') as held on 05.04.2024, certain decisions were taken with respect to the procedure for recognition of PSIA's. In terms thereof, it was decided that the PSIA's must declare the specific instruments and inspectors employed by them beforehand along with the details of their corresponding specific



countries/branches where the said specific instruments and inspectors are situated. It was also decided that these specific instruments and inspectors will be linked to their corresponding countries in the online system.

7. *Vide* public notice dated 26.06.2024, the area of operations, already earmarked for the petitioner in terms of the public notice dated 03.11.2022, was further expanded to the following countries –

<i>Usa, England And Wales, Brazil, Canada, Greece, Fiji, Morocco, Turkey, Phillipines, South Africa (Port Elizabeth), Ukraine, Venezula, Mauritius, Poland, Mexico, Kingdom Of Bahrain, Sweden, Russia, Senegal, Spain, Kenya, Saudi Arabia, Belguim, Kuwait, Peru, Tanzania, United Republic Of Cyprus, Cote D'ivoire, France, Netherlands</i>

8. However, *vide* an undated communication, stated to have been issued on 16.09.2024 [forming part of Annexure P-5 (Colly)], the areas of operations of the petitioner had been confined to only 13 countries in view of the decision taken in the 24th Meeting of the IMC held on 05.04.2024 regarding the PSIAs being required to declare details of their specific instruments and inspectors in their corresponding specific countries/branches.

9. It is submitted that thereafter, there was yet another curtailment inasmuch as the area of operations of the petitioner was confined to only 5 countries as depicted on the concerned portal of the DGFT.

10. Being aggrieved by this, various representations are stated to have been sent by the petitioner, leading up to the representation dated 02.01.2025. The same forms part of Annexure P-10 (Colly) filed along with the present writ petition.



11. In the said communication/representation, the petitioner has drawn attention to the equipments in its possession and its wherewithal to operate in a much larger geographical footprint as compared to the area of operations permitted on the DGFT Portal.

12. The limited relief sought by the petitioner in the present petition is that its representation dated 02.01.2025 be directed to be decided by the concerned respondents.

13. Learned counsel for the respondents does not oppose the limited relief sought by the petitioner. He further clarifies that the petitioner is still permitted to carry out its operation across 13 countries. It is only on account of a glitch in the portal of the DGFT that the petitioner has gathered an erroneous impression that its area of operations has been restricted to 5 countries.

14. He submits that necessary remedial steps shall be taken to ensure that the portal enables the petitioner to operate in 13 countries, as enumerated in the aforesaid communication dated 16.09.2024 [forming part of Annexure P-5 (Colly)]. He further submits that the representation of the petitioner dated 02.01.2025 seeking addition of the territories/countries, in which the petitioner seeks to operate, shall be decided as expeditiously as possible and in any event within a period of 6 weeks from today. The said statement is taken on record.

15. In view of the aforesaid, no further order/s are required to be passed in the present petition. The same is, accordingly, disposed of. Pending application also stands disposed of.

SACHIN DATTA, J

FEBRUARY 10, 2025/r