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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1633/2025, CM APPL. 7940/2025, CM APPL. 7941/2025
M/S SAI FERTILIZERS PRIVATE LIMITEDPetitioner

Through: Mr. Sahil Monga, Advocate.

versus

UNION OF INDIARespondent
Through: Mr. Rakesh Kumar, CGSC.
Ms. Mahamaya Chatterjee, GP, UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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10.02.2025

1. The present petition assails the guidelines dated 21.09.2022 (hereinafter '*the impugned guidelines*') issued by the Ministry of Chemicals & Fertilizers, Department of Fertilizer (SSP Cell), Government of India. It is the contention of the petitioner that the said guidelines are invalid, unauthorised, *ultra vires* the Fertilizer (Inorganic, Organic or Mixed)(Control) Order, 1985, *ultra vires* the Foreign Trade Policy 2015-2020 and violative of Articles 14, 19 and 21 of the Constitution of India.
2. During the course of hearing, it transpires that a show-cause notice dated 03.01.2024 issued to the petitioner on the basis of the impugned guidelines has been assailed by the petitioner *vide* W.P.(C) No. 11099/2024, which is pending before this Court. Learned counsel for the respondent contends that the present petition is not maintainable in view of the petitioner having already preferred the said petition, on the same cause of action.
3. In the circumstances, after some hearing, learned counsel for the



petitioner seeks liberty to withdraw the present petition and instead amend W.P.(C) No. 11099/2024 so as to challenge the validity of the impugned guidelines therein.

4. The present petition is, accordingly, dismissed as withdrawn, with liberty as prayed for.

SACHIN DATTA, J

FEBRUARY 10, 2025/at