



WEB COPY

WP No. 5992 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 5992 of 2022

AND

WMP NO. 6072 OF 2022

M/s.Shri Niwas Dall and Besan Mill,
Rep. by its Partner, Mr. Subhash Chand Singhal,
C-21, Lawrence Road, Industrial Area,
Delhi 110 035.

..Petitioner(s)

Vs

1. Union of India,
Ministry of Commerce and Industry,
Department of Commerce, North Block,
New Delhi 110 001.
2. The Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India,
Udyog Bhawan, New Delhi 110 001.
3. The Commissioner of Customs,
Chennai -II, Customs House,
No.60 , Rajaji Salai, Chennai 01.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Trade Notice No.37/2021-22 dated 28.02.2022 issued by the 2nd respondent and quash the same as illegal to the extent it requires payment of advance as a pre-condition for free import and to direct the 2nd respondent to permit the petitioner to import Moong under all contracts entered in to by them prior to 11.02.2022 irrespective of whether advance payments have been made by them or not.



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For Petitioner(s) : Mr.Yogesh Srinivasan
for Lakshmi Kumaran and Sridharan Attorneys

For Respondent(s) : Mr.C.Samivel, SCGSC for R1 & R2
Mr.Rajendra Raghavan for R3

ORDER

Challenge was made against the Trade Notice No.37/2021-22 dated 28.02.2022 issued by the second respondent.

2. The case of the petitioner is that the petitioner is a partnership firm, engaged in the business of processing and trading of various kinds of pulses. The first respondent had initially vide Notification S.O.1858 (E) dated 15.05.2021 amended the ITC (HS) Import Policy for Moong. Based on such notification, the import policy of Moong was amended from “restricted” to “free”, till 31.10.2021. Subsequently, it was extended till 31.03.2022. Pursuant to which, the petitioner has entered into 52 contracts with various foreign suppliers for import of Moong and also entered into contracts with buyers in India for sale of Moong proposed to be imported by them. Under these circumstances, the first respondent vide notification dated 11.02.2022, amended the ITC (HS) Import Policy and amended the same from “Free” to “Restricted” with immediate effect and subsequently, the second respondent issued a Trade Notice No.37/2021-22 dated 28.02.2022, providing that the import of Moong



was permitted only to the extent of advance payments made prior to the restriction date i.e., 11.02.2022. Aggrieved over the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that in the present case though the notification was issued on 11.02.2022, whereby changing the import policy of Moong from “free” to “restricted”, the implementation of the said notification was made in the impugned Trade Notice dated 28.02.2022, wherein, a condition was imposed in regard to contract and payment. In condition 3 (iii) of the said Trade Notice, it is stated that the contract as well as the payments should have been entered prior to 11.02.2022. Referring the said provision, learned counsel for the petitioner would submit that in the event, no advance payment or contract was made prior to 11.02.2022, the importers are not entitled to avail benefit/import the Moong. Accordingly, he prays for appropriate orders.

4. Learned counsel appearing for the respondents would submit that in the present case, the notification dated 11.02.2022 and the trade notice dated 28.02.2022 have been issued within the power available under Foreign Trade (Development and Regulation) Act, 1992 (hereinafter FTDR Act) and Section 3 of the FTDR Act empowers the Central Government to issue notifications for the purposes of regulating the export and import policy in India. More



specifically, the notification dated 11.02.2022, changed the import policy of Moong from “free” to “restricted”. Thereafter, by virtue of Trade Notice dated 28.02.2022, the said restriction was set to an extent that as on the date of notification dated 11.02.2022 both the contract and payments should have been made. The said notice was issued to avoid unrestricted inflow of Moong into domestic market and to safeguard the interest of farmers, without affecting the rights of the petitioner. Hence, he prays for dismissal of this writ petition.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In the present case the Trade Notice dated 28.02.2022 was challenged as if that the petitioner’s constitutional right has been affected by unreasonably putting the condition in Column No.3(iii) of the aforesaid notice. For better appreciation, the said condition is extracted hereunder:

“(iii) Contract for import should have been entered into prior to the date of the said Notification. Further the payments should also have been made prior to 11.02.2022.”

A cursory reading of the above shows that the contract as well as the payment for the said contract should have been received on or before 11.02.2022. The significance of the notice is nothing but the change of import policy from “free” to “restricted”, wherein they are supposed to mention the date of entering into



the contract as well as the payment in the notification dated 11.02.2022. Since they have not mentioned the date in the notification, they have mentioned the date as 11.02.2022 in the Trade Notice, thereby putting the restriction in condition 3(iii) that the period entering into the contract prior to 11.02.2022 and the payment for entering into the contract must be on 11.02.2022. Such being the case, no way the petitioner is affected by virtue of the impugned Trade Notice dated 28.02.2022 and the same does not warrant any interference by this Court.

In the result, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions is closed.

02-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VM

To:

1. The Ministry of Commerce and Industry,
Department of Commerce,
North Block, New Delhi 110 001.
2. The Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India,
Udyog Bhawan, New Delhi 110 001.
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KRISHNAN RAMASAMY J.

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