



W.P.Nos.15523 and 33404 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.15523 and 33404 of 2017

And

W.M.P.Nos.16838 and 16839 of 2017

M/s.Madhan Agro Industries (India) Pvt. Ltd.,
Sri Venkatalakshmi Complex,
2nd Floor, No.1789, Trichy Road,
Olymbu, Ramanathapuram,
Coimbatore – 641 045. ... Petitioner in W.P.15523/2017

M/s.Madhan Agro Industries (India) Pvt. Ltd.,
Represented by its Managing Director,
Mr.R.Krishnamurthi
Sri Venkatalakshmi Complex,
2nd Floor, No.1789, Trichy Road,
Olymbu, Ramanathapuram,
Coimbatore – 641 045. ... Petitioner in W.P.33404/2017

Vs.

- 1 The Additional Director General of Foreign Trade,
4th & 5th Floors, Shastri Bhavan Annexe,
No.26, Haddows Road,
Chennai – 600 006.
- 2 The Deputy Director General of Foreign Trade,
Office of the Joint Director General of Foreign Trade,
No.1544, India Life Building (Annexe),
I Floor, Trichy Road,
Coimbatore – 641 018. ... Respondents in both W.Ps.



W.P.Nos.15523 and 33404 of 2017

3 The Chief Secretary to Government,
Secretariat,
Fort St. George,
Chennai – 600 009.

4 The District Collector,
Cotton Market Building,
Palladam Road,
Tirupur – 641 604.

... Respondents in W.P.15523/2017

Prayer in W.P.No.15523 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the second respondent culminating in the File No.32/24/40/144/Am05 dated 15.02.2017, issued by the second respondent and quash the same.

Prayer in W.P.No.33404 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent culminating in Order-in-Appeal dated 29.08.2017 and issued from File No.I(93)/Addl.DGFT/ECA/Chen/AM17-Cbe/201 and quashing the same direct the first respondent to hear the Appeal No.93/AM17 dated 16.02.2017 filed before him on merits.

For Petitioners : Mr.S.Murugappan
in both the W.Ps.

For Respondents : Mr.D.Ramesh Kumar for R1, R2
Central Government Standing Counsel
Mr.L.Gokulraj for R3, R4
Government Counsel
in W.P.No.15523 of 2017
Mr.T.V.Krishnamachari
in W.P.No.33404 of 2017



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W.P.Nos.15523 and 33404 of 2017

COMMON ORDER

W.P.No.15523 of 2017 has been filed seeking issuance of Writ of Certiorari calling for the records of the second respondent culminating in the File No.32/24/40/144/Am05 dated 15.02.2017, issued by the second respondent and quash the same.

2.W.P.No.33404 of 2017 has been filed seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent culminating in Order-in-Appeal dated 29.08.2017 and issued from File No.I(93)/Addl.DGFT/ECA/Chen/AM17-Cbe/201 and quashing the same direct the first respondent to hear the Appeal No.93/AM17 dated 16.02.2017 filed before him on merits.

3.The learned counsel appearing for the petitioners submitted that the petitioner company had obtained Advance Licence dated 08.03.2005 from the second respondent for import of crude coconut oil under the provisions of Foreign Trade (Development and Regulation) Act, 1992 during the year 2005. The crude coconut oil is to be processed/ refined and then the resultant pure coconut oil is to be exported. The Advance License dated 08.03.2005 was issued for

3/7



W.P.Nos.15523 and 33404 of 2017

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import of 236.500 M.T. of crude coconut oil for CIF value of Rs.77,90,310/-. For permitting the crude coconut oil free of customs duty under the Advance License Scheme, the petitioner company were required to export 200 M.T. of coconut oil valued at Rs.92,00,000/- and the export was to be made within a period of 18 months.

4.The learned counsel appearing for the petitioners further submitted that since the petitioner company could not export the goods as specified in the licence, the second respondent passed order – in – original dated 11.11.2016 imposing a penalty of Rs.77,90,310/- under the provisions of Foreign Trade (Development and Regulation) Act, 1992, as against which, the petitioner preferred appeal before the first respondent with the delay of one day and the first respondent vide order dated 29.08.2017 dismissed the said appeal as it is beyond the period allowed for preferring appeal. Aggrieved by the same, the petitioner filed W.P.No.33404 of 2017. The second respondent passed consequential order dated 15.02.2017 requesting the District Collector to recover the penalty amount. Aggrieved by the same, the petitioner filed W.P.No.15523 of 2017.



W.P.Nos.15523 and 33404 of 2017

WEB COPY

5.The learned counsel appearing for the petitioners further submitted that the period for filing appeal is 30 days and there is no provision to condone the delay, however, the petitioners right to prefer appeal cannot be deprived. The learned counsel further submitted that in order to show bonafide, the petitioners are ready to deposit 50% of the impugned amount. Hence, this Court may set aside the impugned order dated 29.08.2017 and remand the matter back to the appellate authority for disposal of the appeal on merits and in accordance with law and may also set aside the order dated 15.02.2017.

6.The pre-deposit for filing appeal is 7.5%, however, the petitioners have come forward to deposit 50% of the impugned amount. Hence, the order of the first respondent dated 29.08.2017 and the order of the second respondent dated 15.02.2017 are set aside and the matter is remanded back to the first respondent. The petitioners are directed to deposit 50% of the impugned amount. After the petitioners make such deposit, the first respondent shall hear the petitioners and dispose of the appeal on merits and in accordance with law.



W.P.Nos.15523 and 33404 of 2017

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7.The writ petitions are disposed of. No costs.

Consequently, the connected miscellaneous petitions are closed.

17.06.2026

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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6/7



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M.DHANDAPANI,J.
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