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WP No. 44371 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 44371 of 2025

and

WMP No.49511 of 2025

M/s.Bay-Forge Pvt Ltd.,
Rep. by its Managing Director,
Shri Julian Amirtharaj,
Palayanoor P.O.
Vedanthangal Road,
Pukkathurai Village,
Madurantakam Taluk,
Chengalpattu-603 308.

..Petitioner

Vs

1. Union of India
Rep. by Secretary,
The Ministry of Steel,
Rep. by its Joint Secretary,
Room No.289,
Udyog Bhawan,
New Delhi-110 011.
2. The Ministry of Steel
Rep. by its Joint Secretary,
Room No.289,
Udyog Bhawan,
New Delhi-110 011.

..Respondents



Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in and connected with rejection order in NOC application No.NOC2024005750 dated 21.12.2024 and to quash the same and to further direct the 2nd respondent to grant NOC / exemption with respect to the importation made by the petitioner entity under Bill of Entry No.4651331 dated 24.07.2024 declared as SA182F316L MOD forged Bars (Stainless Steel) under CTH 72181000.

For Petitioner: Mr.B.Satish Sundar

For Respondents: Mr.Ravi Meenakshisundaram
Special Panel Counsel

ORDER

This petition has been filed challenging the impugned rejection order dated 21.12.2024, seeking to quash the same and consequently to direct the second respondent to grant an NOC/exemption with respect to the importation made by the petitioner entity under Bill of Entry No.4651331 dated 24.07.2024 declared as SA182F316L MOD forged Bars (Stainless Steel) under CTH 72181000.

2.The case of the petitioner is that the petitioner, a leading Open Die Forging Company established in 1996, is an approved vendor of ISRO's



Vikram Sarabhai Space Research Centre (VSSC) and has contributed critical forged components for national projects such as PSLV, GSLV, Chandrayaan, and Gangayaan. The petitioner also supplies to premier institutions like BARC, DRDO and BHEL. In pursuance of a contract with M/s.Vaccum Technologies Pvt. Ltd., for manufacturing forged components for HNB3 Nuclear Vessels under the Nuclear Plasma Research Project of M/s.ITER-India (Institute for Plasma Research, Ahmedabad), the petitioner imported SA 182 F316L MOD Forged Stainless Steel Bars from M/s.Asoforge S.r.l., Italy, valued at EUR 339.533.50, under SIMS Registration No.STL1022580 dated 28.04.2024. The import was supported by all mandatory documents, including an End User Certificate confirming that (a) the chemical composition was unique to the contractual requirements, (b) the goods were not domestically manufacturable, and (c) the same were intended solely for the specified engineering application.

2.1.The imported goods fall under ITC (HS) Code 72181000 and correspond to “Stainless Steel Blooms, Billets and Slabs for Forgings” under Serial No.92 of Annexure I of the Steel and Steel Products (Quality Control), Order, 2024 (QCO 2024), notified on 29.08.2024. However, the said order, by its own clause, came into force only from the date of publication in the official gazette. The subject consignment, imported vide Bill of Entry No.4651331 dated 24.07.2024, predates this notification. Therefore, the QCO 2024 cannot be retrospectively applied to the said import, as per settled legal principles and the



Foreign Trade Policy, which determines the import condition with reference to the date of the Bill of Lading at the country of export.

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2.2. By way of abundant caution, the petitioner applied for a No Objection Certificate from the Ministry of Steel through the SIMS 2.0 portal. However, the application was rejected on the hyper-technical ground that the import had occurred prior to the migration from SIMS 1.0 to SIMS 2.0. The rejection overlooked the fact that a valid registration existed under SIMS 1.0 and that an exemption had earlier been granted by the Ministry vide letter dated 08.05.2024 for a similar material-SA182 Gr.F304 polygonal ingots-on identical technical and functional grounds. Aggrieved by the said impugned rejection order, this writ petition has been filed.

3. However, the learned counsel for the petitioner would submit that, although the impugned rejection order required the petitioner to explain whether the imported material was brought in before or after migration, the No Objection Certificate was rejected even before the petitioner could submit such an explanation, which is unsustainable. Therefore, this Court may permit the petitioner to submit an explanation regarding the migration of the imported goods within a period of two weeks from the date of receipt of a copy of this order, along with the relevant subsequent Government and Ministry Orders, to enable the second respondent to consider the same and pass appropriate orders.



The learned counsel for the respondents has no objection to this course of action.

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4. In view of the above, the petitioner is directed to submit its explanation to the second respondent by way of a representation within a period of two weeks from the date of receipt of a copy of this order, annexing the necessary subsequent Government Orders. Upon receipt of the same, the second respondent shall consider the representation and pass appropriate orders, after affording an opportunity of personal hearing to the petitioner, within a period of six weeks thereafter, without reference to the earlier rejection order or decisions rendered in similar cases.

5. With the above direction, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. Union of India
Rep. by Secretary,
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M.DHANDAPANI, J.

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