



\$~10

*** IN THE HIGH COURT OF DELHI AT NEW DELHI**
W.P.(C) 10426/2022

Date of Decision: **17.03.2026**

IN THE MATTER OF:

APS HYDRO PVT LTD

.....Petitioner

Through: Ms. Ekta Kumari, Advocate
 versus

UNION OF INDIA

.....Respondent

Through: Ms. Arunima Dwivedi, CGSC,
 Ms. Monalisa Pradhan and Ms.
 Himanshi Singh, Advocates for
 UOI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

JUDGEMENT

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

1. The petitioner, M/s. APS Hydro Pvt. Ltd. a Works Contractor / Civil Construction Contractor, has filed the instant petition to avail the benefit of '*Deemed Exports*' as provided for in para. 7.03 of the Foreign Trade Policy.
2. Clause 7.03 of Chapter 7 sets out the eligibility criteria for claiming benefits, including refund of Terminal Excise Duty ('TED'). Clause 7.03(a) provides that an application may be filed either by the supplier or by the recipient of goods, subject to possession of an Import Export Code ('IEC'). The said Clause 7.03(a) of Chapter 7 is extracted as under:



“7.03 Benefits for Deemed Exports Deemed exports shall be eligible for any / all of following benefits in respect of manufacture and supply of goods, qualifying as deemed exports, subject to terms and conditions as given in HBP and ANF-7A:

(a) Advance Authorisation / Advance Authorisation for annual requirement / DFIA.”

3. The case of the petitioner was rejected by the Addl. Director General of Foreign Trade on the ground that the petitioner had not furnished the IEC at the relevant point of time and, therefore, the date of supply was held to be ineligible for Terminal Excise Duty (TED) benefits. The said decision was appealed before the Policy Interpretation Committee of Director General of Foreign Trade (DGFT), and the expert committee opined that in the absence of an IEC in existence at the time of supply/ receipt of goods, the petitioner was not entitled to the claimed benefit. However, it was observed that in cases of genuine hardship, the petitioner could seek relaxation of the policy before the Policy Relaxation Committee (PRC) under Para 2.58 of the Foreign Trade Policy, if so advised.

4. The petitioner, thereafter, applied before Policy Relaxation Committee. Even the Policy Relaxation Committee in its meeting dated 18.02.2021 did not accede to the request made by the petitioner. The decision, however, does not assign any reason as to why there was no merit or hardship, which was the argument made by the petitioner.

5. The decision is extracted as under:

(b) “The Committee discussed the case at length and found no merit or hardship in the arguments made by the firm and hence decided to reject the requests of the firm.”

6. A bare perusal of the decision reveals that the same is bereft of



any reason and accordingly on that short issue, the matter requires to be relegated back to the Policy Relaxation Committee to be considered afresh in accordance with law.

7. The impugned decisions are therefore set aside. It is directed that the respondent-Policy Relaxation Committee to consider the petitioner's application afresh within a period of six months from the date of the receipt of the copy of the order passed today.

8. If the petitioner's grievance is not fully mitigated, it shall be at liberty to take appropriate recourse in accordance with law.

9. The writ petition is disposed of in the aforesaid terms.

PURUSHAINDRA KUMAR KAURAV, J

MARCH 17, 2026/ar.

Signature Not Verified

Signed By:AMIT KUMAR
SHARMA
Signing Date:25.03.2026
13:18:10

Signature Not Verified

Signed
By:PURUSHAINDRA
KUMAR KAURAV