

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE AMIT RAWAL

THURSDAY, THE 3RD DAY OF AUGUST 2023 / 12TH SRAVANA, 1945

WP(C) NO. 33725 OF 2014

PETITIONER:

M/S. GOODWIN PACKPET PVT. LTD
1/94, VADAKKUMNALATH HOUSE,
MULANG, THOTTIPPAL P.O., THRISSUR-680310,
REPRESENTED BY ITS MANAGING DIRECTOR MURALI NARAYANAN.

BY ADVS.
SRI.P.RADHAKRISHNAN (1)
SRI.M.D.JOSEPH
SRI.MADHU RADHAKRISHNAN
SRI.NELSON JOSEPH

RESPONDENTS:

1 JOINT DIRECTOR GENERAL OF FOREIGN TRADE OFFICE OF THE
JOINT DIRECTOR GENERAL OF FOREIGN TRADE
MINISTRY OF COMMERCE & INDUSTRY,
DEPARTMENT OF COMMERCE, V FLOOR - A BLOCK,
KENDRIYA BHAVAN, KAKKANAD, COCHIN-682037.

2 COMMISSIONER OF CUSTOMS
CUSTOMS HOUSE, WILLINGDON ISLAND, COCHIN-682009.

BY ADVS.
SRI.THOMAS MATHEW NELLIMOOTTIL, SC, CB EX
SRI.P.R.SREEJITH, SC, CENTRAL BOARD OF EXCISE AND
CUSTOMS
SMT.C.G.PREETHA, CGC
MANU S., ASG OF INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
03.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is of 2014. Petitioner claimed the following reliefs:

- "a) quash Ext.P5 dated 13.11.2014 issued by the 1st respondent directing the petitioner to provide 100% Bank Guarantee to cover the Duty Saved Amount.
- b) direct the respondents to limit the Bank Guarantee to 15% of the Duty Saved Amount to be furnished in favour of the concerned Customs Authorities provided for the manufacturer exporters coming under Customs Circular No:58/2004 as amended by Ext.P3 Customs Circular No:17/2009
- c) grant such other and further reliefs as are deemed just and proper in the circumstances of the case and
- d) award the costs of the petition."

The period of scheme was six years. The interim order granted by this Court, after the expiry of the scheme, would not be of no avail. The cause of action no longer subsists. Writ petition is closed.

Sd/-
AMIT RAWAL
JUDGE

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APPENDIX OF WP(C) 33725/2014

PETITIONER EXHIBITS

- EXHIBIT P1: COPY OF LICENCE DATED 4.9.2014 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P2: COPY OF CIRCULAR NO.58/2004 DATED 21.10.2004.
- EXHIBIT P3: COPY OF CIRCULAR NO.17/2009 DATED 25.5.2009.
- EXHIBIT P4: COPY OF LETTER DATED 4.11.2014 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P5: COPY OF THE LETTER DATED 13.11.2014 SENT BY THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS

- EXHIBIT R1(A) TRUE COPY OF THE ENTREPRENEURES MEMORANDUM (EM) NO.32/007/1/1/10812/PART -II DATED 31.03.2014 ISSUED BY DEPARTMENT OF INDUSTRIES GOVERNMENT OF KERALA
- EXHIBIT R1(B) TRUE COPY OF THE EPCG AUTHORISATION NO.1030002709 DATED 04.09.2014 ISSUED BY MINISTRY OF COMMERCE & INDUSTRY, OFFICE OF THE JT. DIRECTOR GENERAL OF FOREIGN TRADE COCHIN.
- EXHIBIT R1(C) TRUE COPY OF THE ANF 5A FROM
- EXHIBIT R1(D) TRUE COPY OF THE CHARTERED ENGINEER CERTIFICATE FOR EPCG SCHEME ISSUED BY CHARTERED ENGINEER.
- EXHIBIT R1(E) TRUE COPY OF THE CHARTERED /COST ACCOUNTANT CERTIFICATE

EXHIBIT R1(F)	TRUE COPY OF THE JUSTIFICATION CERTIFICATE
EXHIBIT R1(G)	TRUE COPY OF THE REPLY LETTER DATED 28.8.2014
EXHIBIT R1(H)	TRUE COPY OF THE F.NO.605/40/2004-DBK CIRCULAR NO.17/2009-CUS DATED 25.05.2009 ISSUED BY GOVERNMENT OF INDIA MINISTRY OF FINANCE.
EXHIBIT R1(I)	TRUE COPY OF THE F.NO.605/61/2007-DBK CIRCULAR NO.17/2009-CUS DATED 25.05.2009 ISSUED BY GOVERNMENT OF INDIA, MINISTRY OF FINANCE
EXHIBIT R1(J)	TRUE COPY OF THE POLICY CIRCULAR NO.35 DATED 19.12.2000 ISSUED BY GOVERNMENT OF INDI, MINISTRY OF COMMERCE, DIRECTORATE GENERAL OF FOREIGN TRADE, UDYOGA BHAVAN