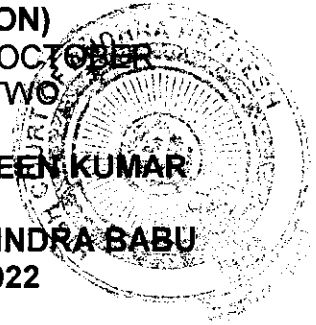


(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR
AND

THE HONOURABLE SRI JUSTICE A V RAVINDRA BABU
WRIT PETITION NO: 33342 OF 2022



Between:

1. Sarala Foods Mill Private Limited, a Company incorporated under the provisions of the Companies Act, 1956, having its registered office at D.No.1-361, Yanam Road, Uppalanka, Kakinada, East Godavari-533016, rep. by its Authorised Signatory, Pitta Ashok.
2. Om Agro, a Partnership Firm registered under the Provisions of the Indian Partnership Act, 1932, having its registered office at 37-2-14, Vijayasindhu Residency, Market Street, Kakinada, East Godavari District, rep. by its Authorised Signatory, Pitta Ashok.

Petitioners

AND

1. Union of India, Ministry of Finance, Department of Revenue, New Delhi, rep. by the Secretary.
2. The Deputy Commissioner of Customs, Kakinada Customs House, Kakinada

Respondents

WHEREAS the Petitioner above named through their Advocate SRI M KARTHIK PAVAN KUMAR presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus questioning the action of the 1st Respondent in issuing Notification No.49/2022 Customs dated 08.09.2022 levying 20 % export duty on export of Semi-milled or wholly-milled rice, whether or not polished or glazed (other than Parboiled rice and Basmati rice) with effect from 09.09.2022 and the further action of the 2nd Respondent in demanding the Petitioners to pay 20percent export duty on their respective consignments of the aforesaid rice that were contractually committed / promised for export before the date of imposition of the aforesaid export duty under the Notification dated 08.09.2022, as arbitrary, illegal, unjust, violative of the principles of natural justice, violative of the fundamental and constitutional rights guaranteed under the Constitution of India, and contrary to law, and to consequently set aside the aforesaid Notification dated 08.09.2022 by directing the Respondents to permit the Petitioners to export 15,000 MTs of the aforesaid rice (viz. the 1st Petitioner 8000 MTs and the 2nd Petitioner 7000 MTs) under Shipping Bill Nos.4626503, 4625291, 4630513, 4631983 and 4631947 issued by the 2nd Respondent, without levy of the foresaid export duty

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri M KARTHIK PAVAN KUMAR Advocate for the Petitioner, and of SRI SURESH KUMAR ROUTHU, Standing Counsel for 2nd Respondent, SRI N HARINATH, Deputy Solicitor for 1st Resopndent,

directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Union of India, Ministry of Finance, Department of Revenue, New Delhi,
 2. The Deputy Commissioner of Customs, Kakinada Customs House, Kakinada
- are directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted,

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to permit the Petitioners to export 15,000 MTs of the Indian Rice (viz. the 1st Petitioner 8000 MTs and the 2nd Petitioner 7000 MTs) under Shipping Bill Nos.4626503, 4625291, 4630513, 4631983 and 4631947 issued by the 2nd Respondent, without levy of 20percent export duty stipulated in Notification No.49/2022 Customs dated 08.09.2022, pending disposal of WP No.33342 of 2022, on the file of the High Court.

The Court made the following:

ORDER:

"Notice before admission.

Sri Suresh Kumar Routhu, learned Standing Counsel for Customs, takes notice on behalf of the 2nd respondent, while Sri N. Harinath, learned Deputy Solicitor General, takes notice on behalf of the 1st respondent.

Sri S. Srinivasa Reddy, learned Senior Counsel appearing for the petitioners, would submit that in similar matters, this Court directed the 2nd respondent to permit the Port authorities to load Semi-milled or wholly-milled rice, whether or not polished or glazed (other than Parboiled rice and Basmati rice), belonging to the petitioner therein, subject to furnishing bank guarantee to an extent of 50% of the export duty, within a period of one week from 30.09.2022. In case of any default, the Port authorities are at liberty to proceed further in accordance with law. It is needless to mention that if any format is there for obtaining bank guarantee, the authorities may furnish the same forthwith to the petitioner therein.

Since the case on hand is identical to the one referred to above and as the goods are in custody of Customs authority, which is evident from shipping bill issued, it would be just and proper to issue the same order.

Accordingly, 2nd respondent is directed to permit the Port authorities to load Semi-milled or wholly-milled rice, whether or not polished or glazed (other than Parboiled rice and Basmati rice), belonging to the petitioners, subject to furnishing bank guarantee to an extent of 50% of the export duty, within a period of one week from 14.10.2022. In case of any default, the Port authorities are at liberty to proceed further in accordance with law. It is needless to mention that if any format is there for obtaining bank guarantee, the authorities may furnish the same forthwith to the petitioners."

**Sd/- G. HELA NAIDU
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Union of India, Ministry of Finance, Department of Revenue, New Delhi,
2. The Deputy Commissioner of Customs, Kakinada Customs House, Kakinada (Addresses 1 and 2 by RPAD- along with a copy of petition and memorandum of grounds)
3. One CC to SRI M KARTHIK PAVAN KUMAR Advocate [OPUC]
4. Two spare copies

HIGH COURT

**CPKJ
&
AVRBJ**

DATED:13/10/2022

NOTICE BEFORE ADMISSION

WP.No.33342 of 2022

DIRECTION

