

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1535 of 2024****=====**
M/S MARUTI AGRO TRADERS**Versus****UNION OF INDIA**
=====**Appearance:****MR. UNMESH D. SHUKLA, learned senior counsel assisted by Mr.
S A CHHABARIA(7740) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2**
=====**CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 07/02/2024****ORAL ORDER**

1. Heard Mr. Unmesh D. Shukla, learned senior counsel assisted by Mr. S.A. Chhabaria, learned advocate appearing for the petitioner.

2. The petitioner herein is a proprietary firm, having its business as exporter and holding the Importer Exporter Code (IEC) and exporting agricultural products out of India. The petitioner herein is aggrieved by the withdrawal of the impugned Notification dated 25.03.2022 issued by the respondent no.1

withdrawing the Notification dated 09.09.2021 bearing F.No. 17/02/2021-EP (Agri.IV) 'Revised Transport and Marketing Assistance (TMA) for Specified Agriculture Products Scheme w.e.f. 01.04.2021, therefore, resulting in reinforcement of Notification dated 09.09.2021.

3. Mr. Shukla, learned senior counsel submitted that the petitioner relying upon the 'Revised Transport and Marketing Assistance (TMA) for Specified Agriculture Products Scheme' issued by the respondent no.1, had booked export orders at lower rates and executed the deliveries of the eligible agricultural products accordingly, whereby, the abrupt withdrawal of the TMA Scheme by the respondent no.1 retrospectively has caused adverse financial circumstances, moreover, the impugned retrospective withdrawal of the TMA Scheme is against the doctrine of promissory estoppel, since petitioner had made offer of lower rates on the promise by the respondent no.1, and hence the aforesaid doctrine of promissory estoppel applies since the petitioner made a proposals against the promise vide TMA Scheme. Mr. Shukla, learned senior counsel placed reliance on

the ratio as laid down by the High Court at Calcutta in W.P.A. No. 16008 of 2023 and allied matters vide order dated 02.01.2024.

4. Considering the aforesaid, issue ***NOTICE***, returnable on ***27.02.2024***.

5. Over and above the regular mode of service, Registered Post is permitted.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman