

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8224 of 2024

=====

M/S BEST VALUE CHEM PVT. LTD. & ORS.

Versus

JOINT DIRECTOR GENERAL OF FOREIGN TRADE & ORS.

=====

Appearance:

MR DEVAN PARIKH, SENIOR ADVOCATE WITH MR DHINAL A
SHAH(12077) for the Petitioner(s) No. 1
for the Respondent(s) No. 1,2,3,4

=====

CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 23/05/2024

ORAL ORDER

1. Heard learned Senior Counsel Mr. Devan Parikh with learned advocate Mr. Dhinal A. Shah for the petitioner.
2. Learned Senior Counsel Mr. Devan Parikh submitted that, as on today, limited prayer is sought for *qua* order dated 09.05.2024 and he has submitted that in para 18 of the impugned order, no further licences / authorizations / export incentives etc. shall be granted to the petitioner and its directors or to any other firms in which the directors are involved in the capacity of proprietor / partners / directors under Section 9(2) of the Foreign Trade (Development and Regulation) Act, 1992 read with the Foreign Trade (Development and Regulation) Amendment Act, 2010 and Rule-7(i)(j) of Foreign Trade (Regulation) Rules, 1993. It is further

submitted that the said impugned order is passed without jurisdiction.

2.1 Learned Senior Counsel has further submitted that the show cause notice dated 05.06.2023 was issued calling upon the petitioner to explain as to why action could not be taken under Section 11(2) of the Foreign Trade (Development & Regulation) Act, 1992. It is further submitted that show cause notice is silent with regard to seeking any explanation for non-granting of further licences authorizations/ export incentives etc. to the petitioner and its directors to any other firm in which the directors are directly involved in the capacity of proprietor / partners / directors under Section 9(2) of the Foreign Trade (Development and Regulation) Act, 1992 of the said Act and Rules framed thereunder.

3. Notice returnable on 11.06.2024.

4. In the meantime, there shall be *ad interim relief* against the direction of not to grant any further licences/ authorizations/ export incentives etc. to the petitioner and its directors or any other firm in which the directors are directly involved in the capacity of proprietor

/partners / directors under Section 9(2) of the Foreign Trade (Development and Regulation) Act, 1992 read with the Foreign Trade (Development and Regulation) Amendment Act, 2010 and Rule 7(i)(j) of Foreign Trade (Regulation) Rules, 1993, till the next date of hearing, stand over to 11.06.2024.

Direct Service is permitted.

RINKU MALI

(D. M. DESAI,J)