

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY, THE FOURTH DAY OF NOVEMBER TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

WRIT PETITION NO: 11143 OF 2020

Between:

1. R. Pandu, S/o. Shankaraiah,
2. V. Vittal, S/o. Kistaiah,
3. K. Laxmaih, S/o. Kistaiah,
4. K. Gouramma, W/o. Gangaiah,
5. B. Durgaiah, S/o. Gangaiah,
6. T. Shankaraiah, S/o. Durgaiah,
7. Goragari Nagaiah, S/o. Laxmaih,
8. T. Yesamma, W/o. Laxmaih,
9. T. Manaiah, S/o. Nachaiah,
10. K. Durgaiah, S/o. Vittal,
11. R. Laxmaiah, S/o. Yenkaiah,

Petitioners

AND

1. The Union of India, Rep. by its Joint Secretary, Ministry of Finance, Department of Revenue, 46 North Block, New Delhi - 110 001.
2. Deputy Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi.
3. The Directorate General of Foreign Trade, Rep by, The Director General of Foreign Trade, Ministry of Commerce and Industries, Government of India, Udyog Bhavan, New Delhi - 110 011.
4. The Dy. Director General of Foreign Trade, Ministry of Commerce and Industries, Government of India, Udyog Bhavan, New Delhi. 110011

Respondents

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 appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus **A.** To declare the notification No. 28/2020 Customs dated 23-06-2020 issued by the 2nd Respondent as being contrary to the Order in WP 13286 of 2014 dated 31-12-2014 and consequently set aside the impugned Notification dated 23-06-2020 as being contrary to the Order dated 31-12-2014 in WP 13286 of 2014 **B.** To declare the Notification No. 28/2020-Customs dated 23-06-2020 issued by the 2nd Respondent herein as being contrary to the proceedings D.O.F. No. 334/2/2020- TRU dated 01-02-2020 issued by the Government of India and consequently set aside the impugned Notification dated 23-06-2020 as being contrary to the proceedings D.O.F. No. 334/2/2020-TRU dated 01-02-2020 issued by the Government of India. **C.** To declare the Notification No. 28/2020-Customs dated 23-06-2020 issued by the 2nd Respondent herein to be in violation of the provisions of the Customs Act, 1962 and accordingly set aside the same as being in violation of the provisions of the Customs Act, 1962. **D.** To declare the Notification No. 28/2020-Customs dated 23-06-2020 issued by the 2nd Respondent herein as being illegal, arbitrary, unconstitutional and accordingly set aside the same as being against Article 14 and 19(1)(g) of the Constitution of India;

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI R ANURAG Advocate for the Petitioners, SRI NAMAVARAPU RAJESHWAR RAO (ASSGI) for the Respondents, the Court made the following.

ORDER:

The Registry is directed to show the complete name of Mr. N. Rajeswar Rao, the learned counsel for the respondents, as 'Mr. Namavarapu Rajeswar Rao(ASSG)' in the cause list in future.

Mr. Namavarapu Rajeswar Rao, the learned Assistant Solicitor General, seeks time to file his counter.

Mr. Namavarapu Rajeswar Rao is directed to ensure that the concerned person, who is well versed with the facts and circumstances of the case, shall be present before this Court on the next day.

List this case on 07.12.2020 along with W.P (PIL).No.1 of 2019 and batch.

//TRUE COPY//

SD/- .K.SHYLESHI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Joint Secretary, Ministry of Finance, Department of Revenue, Union of India, 46 North Block, New Delhi - 110 001.
2. The Deputy Secretary to Government of India, Ministry of Finance, Department of Revenue, New Delhi.
3. The Director General of Foreign Trade, Ministry of Commerce and Industries, Government of India, Udyog Bhavan, New Delhi - 110 011.
4. The Dy. Director General of Foreign Trade, Ministry of Commerce and Industries, Government of India, Udyog Bhavan, New Delhi. 110011 (1 to 4 by RPAD)
5. One CC to SRI. R ANURAG Advocate [OPUC]
6. One CC to SRI Namavarapu Rajeswar Rao (ASSGI) (OPUC)
7. Two spare copies

HIGH COURT

HCJ & BVRJ

DATED:04/11/2020

LIST THIS CASE ON 07.12.2020
ALONG WITH WP(CPL) No. 1 OF 2019 & BATCH

ORDER

WP.No.11143 OF 2020

DIRECTION



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