

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE TWENTY FOURTH DAY OF APRIL,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 10313 OF 2023



Between:

1. N.J.R.Enterprises, Kakinada, Registered under Partnership Act, D.No.4-170/3, Ramakanth Public School Road, Madhuranagar, S.Atchutapuram, Kakinada, East Godavari District, Rep. by its Managing Director, K.V.Bhaskar Reddy.
 2. K.V.Bhaskar Reddy,, S/o. Raghuram Reddy, Hindu, aged about 51 years, Business, D.No.4-170/3, Ramakanth Public School Road, Madhuranagar, S.Atchutapuram, Kakinada, East Godavari District, A.P.
- ...Petitioners

AND

1. UNION OF INDIA, Rep. by its Secretary, Ministry of Commerce and Industry, Department of Commerce, New Delhi.
2. The Director General of Foreign Trade,, Government of India, Ministry of Commerce and Industry Department of Commerce, New Delhi.
3. The Chief Commissioner of Customs and Central Tax,, Visakhapatnam Zone, GST Bhavan, Port Area, Visakhapatnam -530 035.
4. The Commissioner,, Customs (Preventive) Commissionerate, 55-17-3, C-14, 2nd Floor, Industrial Estate, Autonagar, Vijayawada - 500 007.
5. The Additional Commissioner of Customs,, Customs House, Kakinada, East Godavari District, A.P.

...Respondents

WHEREAS the Petitioner above named through their Advocate Sri K.SUBRAHMANYAM 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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in issuing notification No.31/2015-2020 dt. 08.09.2022 banning/prohibiting export of broken rice under HS Code 1006 40 00 with effect from 09-09-2022, and the further action of respondents 1 & 2 in not permitting export of consignments of the aforesaid broken rice that were contractually committed/promised before the date of imposition of the aforesaid ban/prohibition under the notification dt. 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 consequently set aside the aforesaid notification dt. 08-09-2022 by directing the respondents to permit the petitioners to procure and export 15,000 MT's of 100percent broken India Rice, as obligated under various rice purchased and sale contract agreements dt. 22-08-2022 to 30-08-2022 as applicable, entered into with JAMA DIANKALY SARL, GUINEA CONAKRY, WEST AFRICA.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri K.Subrahmanyam, Advocate for the Petitioners and Sri Suresh Kumar Routhu, Standing Counsel for the Respondent Nos.3 to 5 and Sri N.Harinath, Asst Solicitor General for the Respondent Nos.1 & 2, 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 Commerce and Industry, Department of Commerce, New Delhi.
2. The Director General of Foreign Trade,, Government of India, Ministry of Commerce and Industry Department of Commerce, New Delhi.
3. The Chief Commissioner of Customs and Central Tax,, Visakhapatnam Zone, GST Bhavan, Port Area, Visakhapatnam -530 035.
4. The Commissioner,, Customs (Preventive) Commissionerate, 55-17-3, C-14, 2nd Floor, Industrial Estate, Autonagar, Vijayawada - 500 007.
5. The Additional Commissioner of Customs,, Customs House, Kakinada, East Godavari District, A.P.

are be and hereby 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, on or before 16.06.2023, on which date the case stands posted for hearing.

**The Court made the following:
ORDER:**

"Notice before admission.

Sri Suresh Kumar Routhu, learned Standing Counsel for Central Board of Indirect Taxes and Customs takes notice for respondent Nos.3 to 5.

Sri N.Harinath, learned Deputy Solicitor General of India takes notice for respondent nos.1 and 2.

Post the matter on 16.06.2023, for counter."

//TRUE COPY//

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**Sd/- K.TATA RAO
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. The Secretary, UNION OF INDIA, Ministry of Commerce and Industry, Department of Commerce, New Delhi.
2. The Director General of Foreign Trade,, Government of India, Ministry of Commerce and Industry Department of Commerce, New Delhi.
3. The Chief Commissioner of Customs and Central Tax,, Visakhapatnam Zone, GST Bhavan, Port Area, Visakhapatnam -530 035.
4. The Commissioner,, Customs (Preventive) Commissionerate, 55-17-3, C-14, 2nd Floor, Industrial Estate, Autonagar, Vijayawada - 500 007.
5. The Additional Commissioner of Customs,, Customs House, Kakinada, East Godavari District, A.P. (Addressee Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to Sri. K.Subrahmanyam, Advocate [OPUC]
7. One CC to Sri. N.Harinath, Asst Solicitor General [OPUC]
8. One CC to Sri Suresh Kumar Routhu, Standing Counsel [OPUC]
9. One spare copy

MM

HIGH COURT

RCJ

DATED:24/04/2023

NOTE: POST THE MATTER ON 16.06.2023, FOR COUNTER

NOTICE BEFORE ADMISSION

WP.No.10313 of 2023

