

**GOVERNMENT OF INDIA  
MINISTRY OF COMMERCE AND INDUSTRY  
OFFICE OF THE DIRECTOR GENERAL OF FOREIGN TRADE  
UDYOG BHAWAN, NEW DELHI-110011**

Dated 25<sup>th</sup> April 2005

**O&M INSTRUCTION No. 04/2005**

**Subject: Guidelines relating to handing of Court Cases.**

It has been normally observed that the Licensing Authorities are forwarding copy of orders passed by the Hon'ble Court, in a very simple and routine manner asking for action by Head Quarters. In most of such cases neither the Court Orders nor the RLA mentions Headquarters previous file reference No. if any and the type of case i.e. whether it is an ECA case, EPCG default case, Advance licence defaulter case or relating to any Policy issue or something else. This results in unnecessary delay in deciding the type of case and also deciding about the division concerned at HQs who had/should deal with the case.

2. In order to attend the Court Cases on priority basis and to take a quick action , DG has desired that the RLA while forwarding a copy of the Court Order/Cases to any ECA or the Litigation Section at H.qrs. shall forward details alongwith:-

- (a) A detailed Note on the Back ground of the Court case and update position of the case.
- (b) A copy of the Writ Petition relating to the Court's orders.
- (c) Points of issue involved on which comments, if any, are required from HQ.
- (d) On any orders passed by the Hon'ble Court if the orders are not clear to the RLA they shall obtain the comments of the CGSC or by the Lawyer representing the department or the Joint Secretary and Legal Adviser officer of the Central Government in their State. After consulting them, if the RLA still feel that problem has not been resolved, a specific reference shall be made to H.qrs. as suggested in above paras.
- (e) Litigation section while forwarding any Court orders shall also ensure that the specific point of issue involved, details of previous reference and above parameters are duly complied with.

3. These guidelines are for immediate and strict compliance by Litigation Section at H.Qrs. and all Zonal/Regional Licensing Authorities. In case these guidelines are not

complied with resulting the delay in disposal of Court Cases, the delay will be on account of the authority who makes reference to HQs without complying with above guidelines.

This issue with the approval of the DGFT.

Sd/-  
(Ajay Mishra)  
Joint Director General of Foreign Trade

To

1. The Head of the Zonal/ Regional Licensing Authorities
2. All Officers and Section at HQ's ECA Division.

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