

**Government of India  
Ministry of Commerce & Industry  
Directorate General of Foreign Trade  
Udyog Bhavan, New Delhi  
O & M Section**

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Dated the 30<sup>th</sup> March, 2011

**O & M Instruction No.01/ 2011**

**Sub: Procedure / Protocol for launching / defending cases by DGFT Headquarter.**

In order to streamline the procedure for processing and approval of parawise replies/ counter affidavit to be filed in court cases and for drafting petitions in cases where DGFT moves the court, it has been decided to follow the following procedure in DGFT Headquarter.

**1. Cases in which Union of India / DGFT is respondent and is processing for preparing counter affidavit / parawise reply**

1.1 The concerned section dealing with the court case shall obtain a copy of writ petition/plaint.

1.2 The petition/plaint shall be examined carefully and following shall be brought out on the note sheet:

1.2.1 List of parties to the case.

1.2.2 The impugned order in the case (i.e. order challenged against)

1.2.3 A short description of policy / procedure stipulations that the impugned

order pertains to. A copy of the relevant policy / procedure / document will be placed in

correspondence file.

1.2.4 The exact prayer made by the petitioner

1.2.5 Major grounds on which the impugned order is challenged and the defense proposed in our reply on these major grounds. While writing this on the note sheet, care should be taken not to just reproduce the grounds but bring out the gist or the exact challenge made to the impugned order in the ground and the defense proposed(in tabular format).

1.2.6 The contact details of Government Counsel and the scheduled date of hearing

1.2.7 Whether any interim order (like stay) has been granted by the court. If

so, the details thereof and examining for any action on our part.

1.3 Based on above material on the note sheet, concerned JDG heading the section will go through the parawise reply and approve it at his / her level. In case the JDG feels that there are sensitive issues to be seen at higher level, then he / she shall clearly record the sensitive issue involved and propose a decision at higher level.

-2-

## 2. **Cases in which DGFT is launching litigation and is preparing petition / plaint**

2.1 The concerned section shall obtain a copy of order against which DGFT proposes to launch litigation

2.2 The section shall place a copy of opinion of the Government Counsel regarding launch of such litigation, on file.

2.3 The section shall bring out the following on the note sheet:-

2.3.1 The impugned order of the court which is proposed to be challenged.

2.3.2 A short description of the operative portion of the impugned order and financial implication if any.

2.3.3 A copy of policy / procedure / document relevant to the impugned order will be placed in correspondence file.

2.3.4 The major grounds in the court order based on which the impugned order has gone against the Government. The contention of this Directorate against each such ground should be brought out in tabular form on the note sheet. Care should be taken that the gist of ground is brought on the note sheet and the whole order is not just reproduced.

2.3.5 Any other contentions based on which this Directorate is proposing to challenge the impugned order.

2.4 The contentions on which this Directorate is proposing to challenge the order will be submitted for approval at the level of DG. According to the approval of DG, the parawise petition / plaint will be finalized by the concerned JDG, with Government Counsel and filed.

3. **While processing and attending to the cases mentioned in Para 1 and 2 above, the Sections/officials will also ensure that –**

3.1 Orders of the court are obtained from the relevant court website in time and follow up action taken thereon.

3.2 A close watch is maintained on the various dates of hearing of the cases and accordingly briefing the Counsel in advance.

3.3 Interim applications, if any, filed by the petitioners/respondents are obtained in time and attended to promptly.

4. This issues with the approval of DGFT.

Sd/-

(H.K. Roy)

Deputy Director General of Foreign Trade

To,

1. All officers/Sections at Hqrs.
2. Copy to PS to DGFT

(issued from file No.01/69/12/49/2010/O&M)