

## Key Rulings - Foreign Trade Policy

Sr. No.	Name	Highlights
1	Anu Cashews and Mangalath Cashews Vs the Commissioner of Customs, Cochin, The Assistant/Deputy Commissioner Of Customs, Cochin, The Deputy Director General Of Foreign Trade, Trivandrum, Director General Of Foreign Trade, Ernakulam And Director General Of Foreign Trade H Wing, New Delhi	The Kerala HC held that the denial of a claim for export benefit could not have been done in a mechanical manner merely because there was a technical lapse on the part of the exporter concerned in not checking a particular box in the web portal, more so when there was sufficient indication from the other details entered therein that pointed to the exporter's intention to claim the reward. The respondents to consider the claim of the petitioners for export benefit, afresh, and to grant the export benefits, if on an overall consideration of the details furnished by the petitioner, the intention to claim the benefit of the MEIS Scheme was seen manifested at the time of export.
2	M/S. Hira Traders Versus the Director General of Foreign Trade, The Joint Director General of Foreign Trade, The Additional Director General Of Foreign Trade, The Commissioner Of Customs	Validity of restriction imposed on import of pigeon peas, Beans of the species Vigna Mungo (L.) Hepper (Moong Dal) wherein the import policy of the goods were amended vide above notifications from "free" to "restricted".  The Madras HC held that the restrictions imposed by the Government of India are justified, which are brought out by the Government of India through the DGFT for the benefit of the farmers, who are cultivators of indigenous peas, as the import of Peas flooding the market reduce the demand for locally grown peas - the peas growers in India are unable get the right price resulting in loss to small farmers.
3	Commissioner of customs versus m/s. Atul automations pvt. Ltd., and parag domestic appliances	Supreme Court ruled on the detention of imported items which were prohibited. The SC held that - Indisputably, the respondents did not possess the necessary authorisation for their import. The customs authorities therefore prima facie cannot be said to be unjustified in detaining the consignment. Merely because earlier on more than one occasion, similar consignments of the respondent or others may have been cleared by the customs authorities at the Calcutta, Chennai,

		<p>or Cochin ports on payment of redemption fine cannot be a justification simpliciter to demand parity of treatment for the present consignment also. The defence that the DGFT had declined to issue such authorisation does not appeal to the Court.</p>
4	CCE vs Gujarat Ambuja Exports Limited	<p>The SC ruled on the actual user condition of crude palm oil which was imported was used for making edible products like refined oil/Vanaspati. In the process of said manufacture, 25% of fatty (palm) was produced and 75% was oil which was edible. Thus, when the main manufacturing activity relates to edible product which is 75%. If in the process 25% of fatty (palm) emerges as a by-product it cannot be said that first requirement of exemption notification is satisfied. Even if Industrial Fatty Acid is to be treated as separate manufacturing activity and it is non-edible, the same is only to the extent of 25%. That, according to us, would not satisfy the requirement of the exemption notification in question.</p>
5	CCE, Gujarat vs Crown International & Anr.	<p>The SC ruled on Availment of fraudulent DEPB Scheme. Held that respondents have procured the goods for valuable consideration and in turn, received the foreign exchange fully for the sale of goods to the foreign buyers. Therefore, there is no reason to discard the transaction value as between the manufacturer and the respondents nor as between the respondents and foreign buyers.</p>