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**(2016) 05 AHC CK 0311**  
**In the Allahabad High Court**  
**Case No : Writ C. No. 21347 of 2016**

M/s. Doab Exim (P) Ltd.

APPELLANT

Vs

Additional Director General

RESPONDENT

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**Date of Decision :** 16-05-2016

**Acts Referred:**

Foreign Trade (Development and Regulation) Act, 1992 — Section 11(2), 15, 16

**Citation :** (2016) 9 ADJ 270 : (2016) 5 AllWC 4864 : (2016) 118 ALR 61

**Hon'ble Judges :** Pankaj Mithal, J.

**Bench :** Single Bench

**Advocate :** Vikrant Rana, Advocate, for the Petitioner; A.S.G.I. and J.J. Munir, S.C, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Pankaj Mithal, J.&mdash;Heard Sri Vikarant Rana, learned counsel for the petitioners and Sri J.J. Munir, learned counsel for the respondents.

2. The petitioners have preferred this writ petition against the order dated 11.05.2011 passed by the Foreign Trade Development Officer and the order dated 30.04.2015 passed by the Additional Director General of Foreign Trade, dismissing the appeal thereto.

3. Sri Munir, learned counsel for the respondents has raised preliminary objection that the petitioners have a alternative remedy of filing the revision against the appellate order before the Central Government.

4. The adjudicating authority under the Foreign Trade (Development and Regulatin) Act, 1992 on 11.05.2011 passed an order imposing a fiscal penalty of Rs. 2,03,17,600/- (Rupees two crore three lakh seventeen thousand and six hundred only) upon the petitioner for non-fulfilment of the export obligation and violation of the condition of the authorisation in exercise of the powers under Section 11 (2) of the Act. The petitioner preferred an appeal against the aforesaid order under Section 15 of the Act which has also been dismissed vide

order dated 30.04.2015.

5. Section 16 of the Act provides for the review of the orders passed by the subordinate authority by Central Government or the Director General. It lays down that the Central Government in case of any decision or order made by the Director General, or the Director General in the case of any decision made by any other officer subordinate to him, may on his own motion or otherwise, call for the records and examine the correctness and legality or propriety of any such decision subject to certain conditions.

6. The aforesaid power conferred upon the Central Government or the Director General is akin to the power of revision which is generally conferred upon the higher authority.

7. The aforesaid power given under Section 16 of the Act is primarily that of revision of the orders of the subordinate authorities by the Central Government or the Director General and not actually the power to review which is vested not in the higher/superior authority but upon the same authority passing the order. Therefore, the power of review mentioned in Section 16 of the Act has to be read as that of revision.

8. In view of the above, the petitioners have statutory remedy of getting the appellate order revised by the Central Government/Director General as the case may be. Accordingly when the petitioners have a statutory remedy available to them they are not entitle to invoke the constitutional powers and to approach this Court straight-way for exercise of extra ordinary jurisdiction.

9. The writ petition is dismissed on the ground of alternate remedy.

10. Certified copy of the impugned orders enclosed with the writ petition are directed to be returned to Sri Vikrant Rana, learned counsel for the petitioners after retaining photocopies of the same on record.