

J. L. Narayana Choudhary

Vs

Controller of Imports and Exports, Visakhapatnam

Civil Appeal No. 357 of 1973

(B. C. Ray, M. P. Thakkar JJ)

04.12.1986

### JUDGMENT

1. Learned counsel for the appellant has challenged the order passed by the High Court whereby the request of the appellant for granting quota for the import of menthol for the period. (i) October 1960 to March 1961, and (2) April 1961 to September 1961 was refused. The High Court has taken the view that having regard to paragraph 80 of the Red Book for the relevant year the appellant was entitled to grant of licence from the date of the recognition as established importer. The view taken by the High Court in the context of the contentions raised in the petition and the arguments urged before the court is unexceptionable. Learned counsel has, however, called our attention to paragraph 87 clause (3) of the Red Book. No such contention was raised in the petition giving rise to the present appeal. Nor was any submission urged before the High Court from the said standpoint. The other side has had no opportunity to meet this contention. It is not even shown as to from what date the appellant firm was recognised, if at all it was so recognised. We do not think we would be justified in permitting learned counsel to raise a new plea for the first time 25 years after the date of the application for licence. The appeal therefore fails and is dismissed.

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