Pallavi/Chitra/Mayur

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 18701 OF 2026

Premium Sugars
(th. Its Partner And Authorised Signatory Mr. Janish R, Murgai) having office at 107-109, P.D. Mello Road, Carnac Bunder, Mumbai-400009, Maharashtra, Phone No. 011-23480600, Email ID:premiume@gmail.com. …Petitioner

Versus

1. Union Of India,
Th. The Secretary,
Ministry Of Commerce And Industry,
Gov. Of India,Udyog Bhavan, New Delhi – 110011. Email:csoffice@nic.in

2. Director General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India,
Vanijya Bhavan, Akbar Road,
New Delhi -110011.
Email: dgft@nic.in

3. Joint Secretary,
Sugar Directorate, Department of Food and Public Distribution, Ministry of Consumer Affairs, Food and Public Distribution,
Government of India,
Krishi Bhavan, New Delhi – 110001.
Email : js-sugar@gov.in

4. Additional Secretary
Directorate General of Foreign Trade,
Ministry of Commerce and Industry,
Government of India, Vanjiya Bhavan,

Akbar Road, New Delhi -110011.
Email id: dgft@nic.in
5. Principal Chief Commissioner of Customs,
Mumbai Zone, New Custom House, Ballard Estate, Mumbai-400001, Maharashtra,
Email id: chiefcommrcusmum1@nic.in ...Respondents

AND

(CIVIL APPELLATE JURISDICTION)

WRIT PETITION (ST) NO.15306 OF 2026

Rika Global Impex Limited
A public limited company incorporated under the Companies Act, 1956/2013 and having registered office at 2" Floor, Sakhar Bhavan, 230, Nariman Point, Mumbai-400021
Through its Authorised Signatory
Mr. Yogesh Manohar Shine. ...Petitioner

Versus

1. Union of India,
The Secretary, Ministry of Commerce & Industry, Vanijya Bhawan,
New Delhi – 110011.

2. Director General of Foreign Trade,
Ex officio Addl. Secretary,
Vanijya Bhawan, 'A' Wing, Akbar Road,
New Delhi-110011.

3. Department of Food & Public Distribution
Deputy Secretary (Sugar), Krishi Bhawan,
New Delhi-110001.

4. Commissioner of Customs,
7th Floor, Jawaharlal Nehru Customs House, Nhava Sheva, Dist-Raigad,
Maharashtra-400707.

5. Principal Commissioner of Customs,
Office of Principal Commissioner of Customs, Customs House, Mundra 5B, Port User Building
Mundra Port, Gujrat. ...Respondents

AND

WRIT PETITION NO. 8024 OF 2026

Mosur Dharmalingam Sivakumar,
Indian inhabitant, aged about 64 years, carrying on business as agricultural exporter in the firm name and style fo Messrs Omvishkar Exports, as Sole Proprietor thereof having place of business at New No. 52 (old No. 297), Linghi Chetty Street, Chennai 600 001. …Petitioner

Versus

1. Union Of India
Thr. Secretary Ministry of Commerce and Industry, Government of India, having office at Vanijya Bhavan, Akbar Road, New Delhi - 110011.

2. Director General of Foreign Trade,
having office at Vanijya Bhavan, Akbar Road, New Delhi – 110011 also having Regional Office at CGO New Building, South East Wing, New Marine Line, Mumbai-400020.

3. Department of Food and Public Distribution
through Deputy Secretary (Sugar) having office at Krishi Bhawan, New Delhi 110011.

4. Commissioner of Customs,
having office at 7th floor, Jawaharlal Nehru Customs House, Nhava Sheva, District Raigad 400 707. ….Respondents

AND

WRIT PETITION NO. 7850 OF 2026

Sucden India Pvt Ltd., having its registered office at Plot No.89, First Floor, Sector 44, Gurugram, Haryana -122003. Also at: Mont Vert Avion, C 1203, New Baner Pashan Link Road, Pune, Maharashtra -411021. …Petitioner

Versus

1. Union Of India
Thru Secretary Ministry Of Consumer Affairs, Food and Public Distribution, Department of

Food & Public Distribution, Krishi Bhawan, New Delhi -110 001.
2. The Director General of Foreign Trade,
Vanijya Bhawan A Wing, 16, Akbar Road, New Delhi -110011.

3. Commissioner of Customs (Export),
Pune Customs Commissionerate, 41/A, ICE House, Sassoon Road, 'E' Wing, 4th Floor, Opposite Wadia College, Pune, Maharashtra-411001. ...Respondents

Mr. Abhishek A Rastogi, a/w Ms. Pooja M Rastogi, Ms. Meenal Songire, Ms. Aarya More And Ms. Diksha Pandey, in WP(L)/18701/2026 and WP(L)/15306/2026, for the Petitioner.
Ms. Somya Tripathi, i/b Mr. T. N. Tripathi and Co. in WP/8024/2026, for the Petitioner.
Mr. Nikhil Rungta, a/w Mr. D. R. Singh, Mr. Jayesh Ramgini, and Mr. Harsh Choudhary, in WP/7850/2026, for the Petitioner.
Mr. Anil Singh, A.S.G, a/w Mr. Aditya Thakkr, Mr. Vijay Kantharia, Mr. Adarsh Vyas, i/b Ms. Leena patil, for the Respondent Nos. 1 to 4- Union of India in WP(L)/18701/2026, WP/8024/2026, and WP/7850/2026 and Respondent Nos. 1 to 3 in WP(L)/15306/2026.
Mr. Y. R Mishra, a/w Ms. Sangeeta Yadav, Mr. Umesh Gupta, in WP((L)/15306/2026, for the Respondent No. 4.
Ms. Shruti Vyas, a/w Mr. Abhishek Mishra, in WP/18701/2026, for the Respondent No. 5.

CORAM : SUMAN SHYAM &
ADVAIT M. SETHNA, JJ.

RESERVED ON : 13th JULY 2026.
PRONOUNCED ON : 3rd AUGUST 2026.

<u>JUDGMENT (Per Advait M. Sethna, J.) :-</u>

1. The judgment has been divided into the following sections to facilitate analysis:

2. Heard learned counsel for the parties. Rule. Rule made returnable forthwith with consent of the parties.

I. Background :

3. These Petitions are filed under Article 226 of the Constitution of India. The legal issues involved and the relief sought in these proceedings are common. This is not disputed by the learned counsel appearing for the respective parties, though they have stated that there may be some minor variations in facts. We, accordingly proceed to decide the captioned Petitions by this common judgment. With the consent of parties, Writ Petition (L) No. 18701 of 2026 (Premium Sugars v/s Union of India & Others.) is taken as the lead Petition.

4. The Petitioners in these proceedings are primarily aggrieved by the Notification dated 13th May 2026 issued by Respondent No. 2 i.e. Directorate General of Foreign Trade, Ministry of Commerce and Industry ("**Impugned Notification**" for short). This is assailed to the extent that it prohibits export even in cases where the exporters, including the present Petitioners, have already received payments from overseas buyers prior to 13th May 2026 i.e. the date of the Impugned Notification, for export of sugar.

5. We are called upon to examine and adjudicate such challenge mounted by the Petitioners vis-à-vis the case of the Respondents, which is predominantly premised on a policy decision taken on the touchstone of national/public interest.

II. Factual Matrix :

6. The Petitioners are merchant exporters who claim to have entered into private contracts with the overseas buyers for export of certain allocated quotas of sugar.

7. The Respondent No. 2 i.e. Directorate General of Foreign Trade (‘**DGFT**’ for short) issued a Notification dated 24th May 2022 under Section 3 read with Section 5 of the Foreign Trade (Development and Regulation) Act, 1992 (‘**FTDR Act**’ for short), by which, the existing policy permitting the ‘free’ export of sugar was revised, and sugar exports were placed under the ‘restricted’ category.

8. On 14th November 2025, the Ministry of Consumer Affairs, Food and Public Distribution, Department of Food and Public Distribution (‘**DFPD**’ for short) had issued a Notification under Section 3 of the Essential Commodities Act, 1955, read with Clauses 6 and 7 of the Sugar (Control) Order, 2025.

9. By the said Notification, the Government decided to allocate an export quota of 15 lakh metric tonnes (‘**LMT**’ for short) of sugar for the 2025–2026 sugar season, which was to be exported by 30th September 2026. The export quota was allocated on a pro-rata basis among operational sugar mills, taking into account their average sugar production during the preceding three sugar seasons. It prescribed the modalities governing the export of sugar, which were required to be complied with in terms thereof.

10. On 13th February 2026, another Notification was issued by the DFPD seeking willingness from the sugar mills, for the export of an additional 5 LMT of sugar during the 2025–26 sugar season. The said Notification stipulated that the allotted quota was required to be exported by 30th June 2026. It further provided that sugar mills which exported at least 70% of their allocated quantity by 30th June 2026 would be permitted to export the remaining quantity by 30th September 2026. However, if any sugar mill failed to export 70% of its allocated quantity by 30th June 2026, the unutilized portion of its export quota would lapse. Thereafter, another Notification dated 16th March 2026 was issued by the DFPD, by which, the Government allocated an additional export quota of 87,587 MT of sugar to the willing sugar mills.

11. The Petitioner’s case is that it had entered into various contracts with overseas buyers between 14th April 2026 to 4th May 2026 in respect of export of 2511 MT of sugar, against which the Petitioner had received full advance payment. The details of these contracts are at Exhibit E to the Petition. (Premium Sugars, Writ Petition (L) No. 18701 of 2026).

12. An Office Memorandum dated 12th May 2026 was issued by DFPD, conveying the decision of the Committee of Ministers (CoM) that the export of sugar may be prohibited with immediate effect until further orders during the said sugar season. The said Office Memorandum further stated that the modalities for implementing the said decision would be worked out by the DGFT.

13. Pursuant to the above, Respondent No. 2 i.e. the DGFT issued the Impugned Notification dated 13th May 2026, by which, the export policy governing sugar was amended by changing its status from 'restricted' to 'prohibited'. It stipulated certain conditions subject to compliance of which the exports would not be prohibited. The Impugned Notification stipulated that the prohibition would come into force with immediate effect from the date of its issuance until 30th September 2026 or until further orders, whichever was earlier.

14. After the issuance of the Impugned Notification, the Petitioner addressed representations dated 14th May 2026 to the concerned authorities, seeking permission to complete existing sugar export contracts executed prior to the issuance of the Impugned Notification.

15. In the above facts and circumstances and being aggrieved by the Impugned Notification, the Petitioners approached this Court by way of these Petitions, assailing the Impugned Notification. Their challenge is limited to the extent that it prohibits export in cases where the Petitioners have already received payments from overseas buyers, prior to its issuance.

16. During the pendency of these Petitions, the rejection of the representations made by the Petitioner was communicated to it vide an email dated 3rd June 2026 by the Exports Cell, DGFT. Such rejection has not been assailed by the Petitioners in the proceedings before this court.

III. Rival Contentions.

A. Submissions on behalf of the Petitioners :

17. Mr. Rastogi, learned counsel for the Petitioners has strenuously made submissions on behalf of the Petitioners assailing the Impugned Notification and the actions of the Respondents. He has primarily contended that the Impugned Notification and the consequential actions of the Respondents, have caused grave and irreparable prejudice to the Petitioners.

18. Mr. Rastogi has primarily submitted that the stand taken by the Respondents, as reflected in the Notifications, is nothing but a flip-flop and demonstrates a series of apparent contradictions. According to Mr. Rastogi, the Notification dated 14th November 2025, read with the subsequent Notification dated 13th February 2026 permitted the export of up to 20 LMT of sugar during the 2025–2026 sugar season. According to him, two wings/organs of the Government cannot take mutually contradictory stands in a manner that would prejudice the Petitioner. He would thus submit that by issuing the Office Memorandum dated 12th May 2026, the DFPD acted in a manner contrary to law, by prohibiting the export of sugar.

19. Mr. Rastogi is at pains to point out that, within less than 24 hours of the issuance of the said Office Memorandum dated 12th May 2026, the Respondent No. 2 i.e. the DGFT had issued the Impugned Notification dated 13th May 2026. He would submit that by the said Notification, the DGFT turned turtle by imposing a complete prohibition on the export of sugar with immediate effect until 30th September 2026, as stipulated therein. It was submitted that the Respondents' sudden change in policy, altering the export status of sugar from 'restricted' to 'prohibited', in the facts and circumstances of the present case, is unfair, unjust, arbitrary, and unreasonable, warranting interference of this Court.

20. Mr. Rastogi has strenuously urged that, relying upon the earlier Notifications dated 14th November 2025 and 13th February 2026, the Petitioners had entered into contract with exporters and had also received payments from the exporters, under the legitimate expectation that the Petitioners would be able to export sugar in accordance with the terms and conditions stipulated in the said Notification dated 14th November 2025 and the subsequent one dated 13th February 2026, respectively. Mr. Rastogi would submit that the Respondents in the given case cannot resile from their promise under the principle of promissory estoppel.

21. Mr. Rastogi submitted that, although the Government of India through the Respondents are free to make policy decision, the manner in which a blanket and complete prohibition on the export of sugar has been imposed through the Impugned Notification is wholly unwarranted, unjustified, and blatantly arbitrary.

22. Mr. Rastogi would contend that the actions of the Respondents pursuant to the Impugned Notification are not only manifestly arbitrary but also violative of the Article 14 of the Constitution of India. The Respondents, according to him, have departed from consistent practice without any rational basis. When similar export prohibition was imposed in the year 2022, the Government had issued a subsequent relaxation order dated 10th October 2022 permitting completion of export transactions where advance payments had already been received from overseas buyers. The Respondents have failed to disclose any reason whatsoever as to why similarly situated exporters are now being denied similar protection and treatment. This, according to the learned counsel, would be in the teeth of Article 14 of the Constitution of India.

23. Mr. Rastogi would urge that the action of the Respondents, pursuant to the Impugned Notification, would amount to depriving the Petitioners of their vested rights accrued prior to issuance of the Impugned Notification. This is inasmuch as the Government of India itself, through the earlier Notifications dated 14th November 2025 and 13th February 2026, permitted the export of the allocated quota of sugar and expressly contemplated the export operations and shipment timelines extending upto 30th June 2026 and 30th September 2026. The Petitioners acted upon the same and entered into the binding commercial arrangement, received foreign remittances and operationalised export transactions. Such transactions had created a legitimate expectation in favour of the Petitioners and the Respondents ought not to have acted contrary thereto. Therefore, according to Mr. Rastogi, this is yet another ground to allow the Petition by partially setting aside the Impugned Notification dated 13th May 2026.

24. Mr. Rastogi submitted that approximately 20 containers, carrying about 540 MT of sugar, had already been exported/shipped by the Petitioners in the Writ Petition of Premium Sugars (Writ Petition (L) No. 18701 of 2026). He further submitted that, in respect of the balance quantity of approximately 1,971 MT, they were in the process of loading, transportation and shipment when abruptly, without following due process, the Respondents had halted the export of the sugar by the Petitioners pursuant the Impugned Notification dated 13th May 2026, completely prohibiting the export of sugar.

25. According to Mr. Rastogi, the impugned actions of the Respondents cannot have a retrospective effect on the contracts which have been already executed, where the payments have been already received, procurement have been made and the substantial part of the shipping/exports have already been undertaken. This has a crippling effect on the Petitioner's trade and business for which the Impugned Notification deserves to be quashed and set aside.

26. The pleadings on record indicate that the Petitioner has placed reliance on the decision of a coordinate Bench of this Court in ***Shriram Food Industry Ltd. vs. Union of India and Others***[1]. This is to submit even if the Petitioners do not hold Irrevocable

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[1]. (2024(6) Mh.L.J. 136)

Commercial Letter of Credit, their case is on a much higher pedestal. This is in as much as they have received advance payments from the foreign buyers in pursuance to the private contracts executed with them.

27. Mr. Rastogi has also placed reliance on Section 2(33) of the Customs Act, 1962, which defines 'prohibited goods'. This is to contend that, *dehors* such prohibition as defined, the Petitioners, having complied with the conditions stipulated in the Notifications dated 14th November 2025 and 13th February 2026, are entitled to export the quota of sugar allocated under the said Notifications.

28. Mr. Rastogi would urge that the actions of the Respondents of complete prohibition of export of sugar, pursuant to the Impugned Notification is violation of the fundamental rights of the Petitioners guaranteed under Article 19(1)(g) of the Constitution of India. Such actions pursuant to the Impugned Notification unreasonably and arbitrarily interferes with the lawful business and trade of the Petitioner. This has the effect of adversely impacting their exports and transactions which have been substantially acted upon by the Petitioners, prior to the issuance of the Impugned Notification.

29. Mr. Rastogi would further submit that the actions of the Respondents pursuant to the Impugned Notification has not only adversely impacted the Petitioner's trade and business causing irreparable, monetary, financial and reputational harm to the Petitioners, but such actions also adversely affect the image of the Country where the contracts have been fully executed but are not honoured only due to subsequent change in the policy of the Government. Moreover, the Petitioners would be exposed to the risk of being subjected to arbitration proceedings at the instance of the overseas buyers.

30. Mr. Rastogi further submits that the Petitioners had made a representation dated 14th May 2026 to the Respondent authorities. However, the Respondents communicated their reply on the same vide an email/communication dated 3rd June 2026 rejecting the said representation. According to him, such communication rejecting the said representation was cryptic, non-speaking and devoid of any reasons, and did not disclose the basis on which the Petitioners' contentions and request had been rejected.

31. Mr. Rastogi would therefore pray that the Petitions be allowed, and the Rule be made absolute.

B. Submissions on behalf of the Respondents:

32. Mr. Anil Singh, learned Additional Solicitor General appearing on behalf of the Respondents has vehemently argued in support of the actions of the Respondents assailed in the present proceedings. He would at the outset submit that the Government of India by issuing the Notifications from time to time including the Impugned Notification has taken a policy decision, in larger public interest. Such policy decision, in the given facts and circumstances, does not warrant any interference, more particularly, when the vires and/or validity of such Notifications has not been questioned, much less challenged by the Petitioner.

33. Mr. Singh has placed reliance on an earlier Notification dated 24th May 2022 (Exhibit 'C', Pg. 76 of Writ Petition (L) No. 18701 of 2026), issued by DGFT in regard to the amendment of the export policy relating to sugar. By the said notification, the existing policy permitting the 'free' export of sugar was revised, and sugar exports were placed under the 'restricted' category. The said Notification also prescribed certain policy conditions governing and regulating the export of sugar. Mr. Singh submitted that the Ministry/Department issuing the Notification dated 24th May 2022, and the Impugned Notification dated 13th May 2026, is the same.

34. Mr. Singh, relying on the said Notification, has contended that the Impugned Notification merely changes the export policy governing sugar from 'restricted' to 'prohibited', just as the Notification dated 24th May 2022 had altered the policy from 'free' to 'restricted'. According to him, these policy decisions have been taken by the Government of India after assessing the domestic requirement of sugar and keeping in view the interests of the domestic sugar industry. The objective is to ensure that any anticipated shortfall in domestic sugar production is addressed by curtailing exports so as to prevent any shortage in the availability of sugar within the country. Bearing such public interest in mind that the Government of India has made the necessary changes in the export policy of sugar which, cannot be branded as unreasonable, arbitrary or discriminatory on any parameter, whatsoever.

35. Mr. Singh submits that all of this was done in due exercise of the powers and authority conferred to the Respondents under various statutory provisions including the FTDR Act. He would contend that in the absence of any challenge to the vires and/or validity of any of these provisions, which is admittedly not the case, the challenged mounted in the Petition is only to benefit the commercial interest of the Petitioners before this Court.

36. Mr. Singh has further submitted that reliance placed by the Petitioners on the relaxation order dated 10th October 2022, is misplaced. This is because such order was a one-time discretionary relaxation granted in the specific circumstances prevailing during the sugar season 2023–24 and could not be treated as a binding precedent governing subsequent sugar seasons. It was submitted that each sugar season and its market condition is different and there is no compulsion for the Government to extend a relaxation granted in one particular season uniformly to all subsequent sugar seasons.

37. Mr. Singh would submit that by allocation of different quotas of sugar i.e. 15 LMT quota under the Notification dated 14th November 2025, followed by another 5 LMT under the Notification dated 13th February 2025, there is no vested rights created or accrued in favour of the Petitioners. This is more particularly, when the Respondents have decided to merely allocate quotas for allocation of sugar, keeping in mind the domestic production and indigenous requirements. In this regard, Mr. Singh has relied upon the decision of the Delhi High Court in ***Go-Go International and***

another v. Union of India and another[2], to submit that the mere issuance of a quota does not confer any vested or accrued right upon the recipient so as to preclude the Government from subsequently changing the policy or modifying the terms and conditions governing such quota.

38. Mr. Singh has invited the Court's attention to the Affidavit-In-Reply filed on behalf of the Respondent No. 3 dated 29th June 2026 (in Writ Petition (L) No. 18701 of 2026, Premium Sugars), which is on record. He has placed due reliance on paragraph 3 of the said Affidavit, which explains the various aspects leading to the decision of the Government to prohibit export of sugar, pursuant to the Impugned Notification. Briefly, as per the estimates released for the current sugar season of the year 2025-26, the total sugar production was estimated at around 343 LMT. However, the actual sugar production had significantly declined to around 308 LMT only.

39. Mr. Singh has contended that the export of 15 LMT of sugar was allowed on 14th November 2025 to manage the surplus sugar and improve the liquidity of sugar mills. Further, for the export of additional 5 LMT sugar pursuant to the Notification dated 13th February 2026, the willingness was sought from the sugar mills for the desired quantity of sugar to be exported by 30th June 2026. Accordingly, the export quota of 85,587 MT from the 5 LMT was allocated to the eligible sugar mills on 16th March 2026. Moreover, the anticipated El-Nino effect is likely to adversely impact domestic sugar production in the ensuing sugar season. In view thereof,

[2]. 2004 (77) DRJ 145

sufficient closing stock of sugar would be essential for its domestic consumption, at a reasonable price.

40. Mr. Singh would then submit that international prices of sugar reached to the season's high (more than the ex-mill prices in India) and are at the level of export parity from India. In such situation, the closing stock used for domestic consumption would fall short of 40 LMT, adversely affecting the domestic sugar industry when, ordinarily, 50 to 60 LMT sugar is maintained at the end of every sugar season.

41. Mr. Singh would contend that the matter regarding low sugar production, domestically, was taken up and considered in the Inter-Ministerial Committee which recommended a ban on sugar export. Further, the matter was referred to the Committee of Secretaries (CoS) which also considered the declining domestic sugar production and recommended a ban on sugar export with immediate effect. Thereafter, the matter was taken up with the Committee of Ministers (CoM) which, after due deliberation, decided to prohibit sugar export with immediate effect. All of this would unequivocally demonstrate that the decision to prohibit the export of sugar was taken with a view to maintain sufficient quantity of sugar for domestic consumption and to ensure price stability of sugar within the Country.

42. Mr. Singh would submit that sugar is an essential commodity and it is the priority of the Government of India to ensure sufficient quantity for domestic consumption of sugar at reasonable price, followed by diversion to ethanol production, in case of surplus availability. It is the additional surplus, if any, that can be used for the export of such sugar. It is in such circumstances that the representation submitted by the Petitioners was addressed by the Respondents.

43. Mr. Singh would urge that despite such clear and categorical Affidavit-In-Reply of the Respondent No. 3 making clear the stand of the Respondent on the export of sugar and its policy decisions in that regard, there is no Affidavit-In-Rejoinder of the Petitioners to refute or rebut such stand. In view thereof, proceeding on the basis of bare denial considering such detailed and substantial averments made in the Affidavit-In-Reply of the Respondent No. 3, it is incumbent to accept the correctness thereof, in the absence of any denial thereto, on pleadings by the Petitioners.

44. Mr. Singh, by referring to the Impugned Notification, would submit that the Petitioners have incorrectly projected that there is a total/complete ban of export of sugar vide the same. He would point out that three conditions stipulated in the Notification subject to fulfillment of which the export of sugar would be permitted. However, the Petitioners have not complied with any of the three conditions stipulated therein for being eligible to export sugar. In view thereof, the Petitioners, for their own commercial interest cannot make grievances against the Respondents considering that there is no blanket ban or prohibition in the export of sugar under the Impugned Notification.

45. Mr. Singh would emphasize that the prohibition contained in the Impugned Notification is not applicable to sugar exported to countries like EU and USA under the CXL and TRQ quotas; Advanced Authorisation Scheme; Government to Government Exports; and Consignments already in physical pipelines. The Petitioners do not fall within any of the such exceptions carved out in the Impugned Notification so as to enable, much less, entitle them to export the sugar.

46. Referring to the exception in terms of the expression "consignments already in physical exports pipeline" mentioned in clause (iv) of the Impugned Notification, Mr. Singh submits that although the said expression is not a defined expression, it can be read in terms of Section 51 of the Customs Act, 1962. This is to mean an actual clearance of goods for exportation. In the absence of any specific document, such as a Let Export Order, evidencing that the goods had in fact entered the physical export process, the Petitioners cannot claim any benefit under the exceptions.

47. In the above context, Mr. Singh has relied upon the decision of the Supreme Court in ***Union of India v. Asian Food Industries***[3]**,** to submit that for the purposes of interpreting the provisions of the FTDR Act and the procedures laid down thereunder vis-à-vis Section 51 of the Customs Act, 1962, the relevant consideration is the actual permission granted by the proper officer for the clearance and loading of goods for exportation. Accordingly, in the absence of any material evidencing compliance with the requirements of Section 51, the Petitioners cannot derive any assistance from the definition of "prohibited goods" under Section 2(33) of the Customs Act.

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[3]**.** (2006) 13 SCC 542

48. Mr. Singh has emphatically urged that the representations were made by the Petitioners for relaxation, clarification and relief in respect of the Impugned Notification during the sugar season 2025-2026. Such representation has been answered by the Respondents vide communication dated 3rd June 2026. It is stated therein that export of sugar is strictly subject to conditions and specific exemption specified under the Impugned Notification. No separate relaxations are available for pre-exisiting commercial or financial obligations. Such rejection of the Petitioners' representations has not been challenged by the Petitioners in these proceedings.

49. Relying upon the decision of the Supreme Court in ***Ugar Sugar Works Ltd. v. Delhi Administration and Others***[4]**,** Mr. Singh has submitted that a policy decision of the State cannot be interfered with merely because it adversely affects the business interests of a particular party. Unless the policy is shown to be irrational, perverse or actuated by *mala fides*, the mere fact that it causes hardship or prejudice to a party would not furnish a ground for invalidating the same. Accordingly, it was submitted that the Government was entitled to issue, withdraw or modify its policy. The Petitioners could, therefore, claim neither a vested nor an accrued right, nor insist that the Government remain bound by its previous policy.

50. In light of the above, Mr. Singh would urge that the Petitions are devoid of any merits and deserve to be dismissed.

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[4]**.** (2001) 3 SCC 635

IV. Analysis :

51. Upon considering the submissions of the respective parties through their learned counsel, the thrust of the Petitions before us is this:-

> The Respondents under the garb of the Impugned Notification cannot deprive or prevent the Petitioners from undertaking exports pursuant to certain private contracts executed by them in favour of foreign buyers, for which advance payments/remittances are stated to be received by the said Petitioners. The action of the Respondents, coupled with issuance of the Impugned Notification to the extent it prohibits exports of sugar by Petitioners, is, therefore, legally untenable and unsustainable.

52. At this juncture, we may note herein that the Respondents had issued the earlier Notifications dated 14th November 2025 and 13th February 2026 under the provisions of the Essential Commodities Act, 1955. By such Notifications, quota of sugar to the extent of about 20 LMT, as noted above, was allocated to the sugar mills to be exported within such timelines as stipulated in the said Notifications. The Petitioners, being merchant exporters, anticipated that they would gain certain benefits in the form of export quota allocation under the said Notifications. Accordingly, the Petitioners approached the sugar mills, entering into an arrangement under which the Petitioners as merchant exporters would procure sugar from the quotas allocated to the sugar mills, for export.

53. However, as the facts would have it, pursuant to issuance of the aforementioned Notifications, the Impugned Notification was issued by the Respondent No. 2 i.e. the DGFT, prescribed as the competent authority under the FTDR Act. For the sake of convenience, the Impugned Notification is reproduced herein below:

*"Government of India Ministry of Commerce & Industry Department of Commerce (Directorate General of Foreign Trade) ******

Vanijya Bhawan, Akbar Road, New Delhi - 110 011

Notification No. /6 /2026-27

New Delhi, 13th May, 2026

Subject: Amendment in Export Policy of Sugar - regarding.

S.O. (E): The Central Government, in exercise of powers conferred by Section 3 read with Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992), as amended, read with Para 1.02 and 2.01 of the Foreign Trade Policy, 2023, hereby amends the export policy of Sugar under Chapter 17 of ITC (HS), Schedule - I as under:

ITC (HS) Code	*Description*	*Existing Policy*	*Revised Policy*	*Policy Condition*
1701 14 90 1701 99 90	*Sugar(Raw Sugar, White Sugar and Refined Sugar)*	*Restricted*	*Prohibited*	*Export of Sugar is prohibited with immediate effect till September 30, 2026, or till further orders, whichever is earlier.*

2. This prohibition shall not apply to Sugar being exported to the EU and USA under CXL and TRQ quota, as per the prescribed procedure in the respective Public Notices.

3. Export of Sugar under the Advance Authorization Scheme (AAS) shall continue to be governed as per existing provisions *of the Foreign Trade Policy, 2023 and the Handbook of Procedures, 2023.*

4. This Notification shall come into effect immediately. The provisions of Para 1.05 of the Foreign Trade Policy, 2023 regarding transitional arrangement shall not be applicable under this Notification. Notwithstanding the above prohibition, export of Sugar shall be permitted in respect of consignments fulfiling any one of the following conditions:-

(i). where loading of sugar on the ship has commenced before the date of publication of this Notification in the Official Gazette;

(ii). where the Shipping Bill has been filed and the vessel has berthed or arrived and anchored in an Indian port, with its rotation number allocated by the Port Authority, before the date of publication of this Notification in the Official Gazette. The approval for loading in such vessels shall be issued only after confirmation by the concerned Port Authority regarding berthing/anchoring prior to this Notification; or,

(iii) where the sugar consignment has been handed over to Customs/Custodian before the date of publication of this Notification in the Official Gazette and is registered in their electronic system, with verifiable evidence of the date and time of such handing over.

5. The export of the above products/ items, however, shall be allowed on the basis of permission granted by the Government of India to other countries to meet their food security needs and based on the request of their governments.

6. In case the date of prohibition on sugar exports under this Notification is not extended beyond September 30, 2026, the export policy for sugar falling under ITC (HS) Code 1701 14 90 and 1701 99 90 shall revert back to "Restricted".

Effect of this notification: The export policy of Sugar (Raw Sugar, White Sugar and Refined Sugar) under ITC (HS) Codes 1701 14 90 and 1701 99 90 is amended from 'Restricted' to 'Prohibited' with immediate effect till September 30, 2026, or until further orders, whichever is earlier. This prohibition is not applicable to Sugar being exported under: (i) EU and USA under CL and TRQ quota, (ii) Advance Authorization Scheme (AAS), (iii)Government-to-Government exports, and, (iv) consignments already in physical export pipeline.

This is issued with the approval of the Minister of Commerce & Industry, Government of India.

(Lav Agarwal) Director General of Foreign Trade & Ex-Officio Additional Secretary to the Govt of India E-mail: dgft@nic.in"

Vide the Impugned Notification, the Government of India decided to prohibit the export of sugar which was earlier categorized/classified as a restricted item, for export. Such Notification was however, subject to certain terms and conditions as set out in the Impugned Notification.

54. Contextually, we may now refer to the Affidavit-in-Reply dated 10th June 2026 filed on behalf of Respondent Nos.1, 2 and 4 (in Writ Petition (L) No. 18701 of 2026, Premium Sugars). The Deponent has clearly stated therein that the Impugned Notification was issued in exercise of the plenary power conferred under Section 3 read with Section 5 of the FTDR Act so as to implement the decision of Committee of Ministers (CoM) dated 12th May 2026 communicated vide the Office Memorandum issued by DFPD prohibiting export of sugar for the sugar season 2025-2026. This was issued with the objective to ensure sufficient closing stock of sugar at the end of the said sugar season. Such decision was taken at the highest level by the Committee of Ministers having considered various aspects and after due application of mind, guided by larger public interest.

55. Adverting to another Affidavit-In-Reply dated 29th June 2026 filed on behalf of the Respondent No. 3 (in Writ Petition (L) No. 18701 of 2026, Premium Sugars), wherein it is *inter alia* stated that for the said sugar season of 2025-2026, the total production was estimated at 343 LMT. Whereas, as per actual trend, there was a significant decline in the same, to around 308 LMT. On a conjoint reading of both the Affidavits of the Respondents, we find that the policy decision taken to prohibit export of sugar for the said sugar season was taken after following due process including due deliberation and consulting the Committee of Ministers.

56. We may now deal with the contention of Mr. Rastogi to the effect that the Respondents had unfairly and illegally issued the said Office Memorandum dated 12th May 2026 which dealt with prohibition of sugar for the sugar season 2025-2026. It is immediately after a day of such Office Memorandum that the Impugned Notification was issued. We have already observed above that the said Office Memorandum and the Impugned Notification were issued in larger public interest after following due process and consultation with the Committee of Ministers/Experts, at the highest level. We, therefore, do not find any irrationality, irregularity, much less, illegality in the issuance of such Office Memorandum and/or the Impugned Notification.

57. In our view, issuance of the Impugned Notification after the said Office Memorandum is not a knee-jerk reaction as the Petitioners project it to be. However, as observed above, the same manifests a well thought about policy decision, taken in the interest of the domestic sugar market in India including domestic consumers. The said Office Memorandum clearly states that the modalities of such exports shall be worked out by DGFT, in terms of the Impugned Notification.

58. As submitted at the Bar on behalf of the Petitioners through their counsel, they have no quarrel, *per se,* with the policy decision of the government. However, their grievances stem from the

Impugned Notification. The same is limited to the extent it prohibits their exports purportedly undertaken before the date of issuance of the Impugned Notification. This is on the basis of private contracts and remittances received from certain foreign buyers.

59. We may now address Mr. Rastogi's fundamental contention that by the said Office Memorandum, followed by the Impugned Notification, grave and irreparable injury has been caused to the Petitioners. This is inasmuch as they have already executed 6 contracts as stated in the Petition (Writ Petition (L) No. 18701 of 2026, Premium Sugars) and pursuant thereto, 540 MT of sugar has already been exported prior to the issuance of the Impugned Notification. The Petitioners claim to have received payments from their foreign buyers, pursuant to certain contracts executed prior to issuance of the Impugned Notification. However, we do not find much substance in such claim/contention of the Petitioners for reasons set out in the paragraphs below.

60. It may be true that the Petitioner, in the matter of Premium Sugars (Writ Petition (L) No. 18701 of 2026), as stated by them, may have executed about 6 private contracts with foreign buyers, the details of which are annexed to the said Petition. However, we are unable to accept that execution of such bilateral private contracts, would confer any legal right on the Petitioner so as to supersede the Impugned Notification issued by the competent authority, under the provisions of the FTDR Act.

61. In the above context, we may now advert to para 1.05 (b) of the Foreign Trade Policy, 2023, which bears reference in the Impugned Notification. The said para reads thus:

> *"(a) Any License/ Authorisation/ Certificate/ Scrip/ instrument bestowing financial or fiscal benefit issued before commencement of FTP 2023 shall continue to be valid for the purpose and duration for which it was issued, unless otherwise stipulated.*
>
> *(b) Item wise Import/Export Policy is delineated in the ITC (HS) Schedule I and Schedule II respectively. The importability/exportability of a particular item is governed by the policy as on the date of import/ export. The date of import/ export is defined in para 2.17 of HBP 2023. Bill of Lading and Shipping Bill are the key documents for deciding the date of import and export respectively. In case of change of policy from 'free to 'restricted/prohibited/state trading' or 'otherwise regulated', the import/export already made before the date of such regulation/restriction will not be affected. However, the import through High Sea sales will not be covered under this facility.* ***Further, the import/export on or after the date of such regulation/restriction will be allowed for importer/ exporter who has a commitment through Irrevocable Commercial Letter of Credit (ICLC) before the date of imposition of such restriction/ regulation and shall be limited to the balance quantity, value and period available in the ICLC. For operational listing of such ICLC, the applicant shall have to register the ICLC with jurisdictional RA against computerized receipt within 15 days of imposition of any such restriction/ regulation. Whenever, Government brings out a policy change of a particular item, the change will be applicable prospectively (from the date of Notification) unless otherwise provided for***"

In light of the above, we may note that the Petitioners acknowledge the fact of not holding an Irrevocable Commercial Letter of Credit before the issuance of the Impugned Notification as mandated under the said para 1.05 (b) (supra). Moreover, there is no application for registration certificate by the Petitioners as required under para 1.05 (b) of the Foreign Trade Policy, 2023. This is specifically stated by the Respondent Nos.1, 2 and 4 in their Affidavit-in-Reply dated 22nd June 2026 (in Writ Petition (L) No. 18701 of 2026, Premium Sugars) in regard to which, there is no denial on record. In view thereof, Mr. Rastogi's reliance on the said Policy provision does not assist nor take the case of the Petitioners any further.

62. In regard to the above, we have come across a decision in ***Shriram Food Industry Ltd*** *(supra)* relied on by Mr. Rastogi, which is also annexed to one of the Petitions (Writ Petition (L) No. 18701 of 2026, Premium Sugars). On a careful perusal thereof, we find that the said decision proceeds on the premise that the Petitioners therein had Irrevocable Commercial Letters of Credit which were issued before the issuance of a similar Notification therein. This was to make out a case of part performance of their obligations under certain contracts, in the context of Para 1.05 of the Foreign Trade Policy, 2023. Such fact of holding such Irrevocable Commercial Letter of Credit before issuance of the Impugned Notification, is completely absent in all the given cases. The legal requirement of holding Irrevocable Commercial Letters of Credit cannot be substituted by accepting the Petitioner's contention of receiving advance payments under private contracts with some overseas buyers, which the law does not mandate. In view thereof, the said judgment is clearly distinguishable in the given facts.

63. Mr. Rastogi has emphatically submitted that the Impugned Notification is unreasonable, manifestly arbitrary, and therefore contrary to Article 14 of the Constitution of India. In this context, we have noted the submission with regard to reliance placed on a similar export restriction in the year 2022 which was subsequently relaxed vide order dated 10th October 2022, permitting export where advance payments were already received from the foreign buyers.

64. However, it appears from the record, more particularly, from the Affidavit-In-Reply of Respondent No.1, 2 and 4 dated 10th June 2026 (in Writ Petition (L) No. 18701 of 2026, Premium Sugars) that the said order was a one-time discretionary relaxation granted in the context of sugar season 2023-24. This cannot constitute a precedent for subsequent sugar seasons. There are several dynamic factors which play their role in this regard, considering which the fact situation for every sugar season including the subject sugar season 2025-2026 cannot be painted with the same brush. In any event, such matters lie within the domain of policy decision of the Executive prompted by larger public and national interest.

65. We may observe that the earlier Notifications dated 14th November 2025 and 13th February 2026 were issued by DFPD under Section 3 of the Essential Commodities Act, whereas the Impugned Notification is issued under the aegis of Section 3 of the FTDR Act by DGFT. Both these Notifications operate under different statutes and are meant to be applicable in different situations for distinct purposes. The earlier Notifications dated 14th November 2025 and 13th February 2026 *(supra)* issued under the

Essential Commodities Act, 1955 are for quota allocation for exports which are to be completed within the timelines specified therein. Whereas, the Impugned Notification issued under the FTDR Act deals with the policy condition *qua* sugar exports, laying down the existing policy from 'restricted' to 'prohibited', based on the bedrock of larger public interest, as discussed above. In view thereof, the reliance placed by Mr. Rastogi on the definition of 'prohibited goods' as defined under Section 2(33) of the Customs Act, 1962, would have no bearing in the given facts and circumstances, more particularly, as they have not fulfilled the pre-conditions stipulated in the Impugned Notification.

66. We, therefore, do not find substance in the contention of Mr. Rastogi which would lead us to infer that there could be an overlap between the earlier Notifications and the Impugned Notification under which the Government/Respondents cannot, according to the Petitioners, take a contradictory position. This is in as much as they are issued under different statutes and operate under different spheres, for distinct purposes.

67. We find that even under the restricted regime governing sugar exports, the export of sugar to the EU under the CXL Quota and to the USA under the Tarrif Rate Quota (TRQ) was already classified as 'free' subject to the conditions contained in the Notifications dated 28th April 2015 and 17th June 2025. The Impugned Notification amended the export policy from 'restricted' to 'prohibited'. However, there is no change in the pre-existing 'Free' status of CXL and TRQ exports to the EU and USA respectively, which continues in the Impugned Notification. The

Impugned Notification prescribes certain pre-conditions to be complied with, which are clothed with sufficient safeguards. The Petitioners before the Court do not dispute that such pre-conditions as set out in paragraph 4 of the Impugned Notification are not complied with.

68. Adverting to the expression "consignments already in physical exports pipeline" as referred to in 'Effects' of the Impugned Notification, a query was put by the Court to the learned counsel for the parties at the Bar. This, in the context as to when/in what situation this would apply. Mr. Rastogi would submit that execution of contracts and receipt of payments from the foreign buyer would attract the expression. However, Mr. Singh would urge that this would be relatable to Section 51 of the Customs Act, 1952 which deals with clearance of goods for exportation. The record bears out that vital documents like Irrevocable Commercial Letter of Credit and/or Let Export Order which is mandated under Section 51 of the Customs Act are absent in the given cases. In view thereof, the submissions advanced by the learned counsel, would be like taking 'Coal to Newcastle' and therefore, will not be of any assistance to the Petitioners.

69. At this juncture, it would be apposite to refer to the decision of the Supreme Court in ***Union of India vs Asian Food Industries*** *(supra)*, relied on by Mr. Singh for the Respondents. The observations made by the Supreme Court in paragraph 36 of the said decision are noteworthy. As held therein, what would be relevant for the purposes of interpretation of the provisions of the FTDR Act read with the procedures framed thereunder vis-à-vis the provisions of Section 51 of the Customs Act, 1962, is the actual permission of the proper officer, granting clearance and loading of the goods for exportation. In the given factual matrix, the Petitioners have placed no material to even remotely demonstrate compliance with the requirements of the said statutory provisions. Thus, in our view, the said decision is apposite and applicable in the given facts. We are, therefore, not in agreement with the contentions of Mr. Rastogi, in this regard.

70. We find that the Petitioners had made a representation dated 14th May 2026 in the lead Petition (Premium Sugars) to the Respondent authorities. However, the record bears out that the said representation was duly considered and rejected by a communication/order dated 3rd June 2026, during the pendency of the Petition. On a specific query to learned counsel for the Petitioner, it is accepted that the said rejection of the Petitioner's representation is not challenged in the proceedings before this Court and therefore such rejection would hold the field. The Petitioner's case is that the communication rejecting their representations lacks reasons and is cryptic. However, as the same is not assailed in these proceedings, the window of seeking any clarification from the Respondents is also closed for the said Petitioner, in such fact situation.

71. Let us now examine Mr. Rastogi's submission that applying the prohibition under the Impugned Notification to the pre-existing contracts where payments are already received, would tantamount to giving a retrospective effect to the Impugned Notification. However, a bare perusal of the Impugned Notification itself would indicate that it uses the language 'with immediate effect' and specifies that export of sugar is "Prohibited until 30th September 2026 or until further orders". Thus, a bare perusal of the Impugned Notification itself clearly provides that it is meant to and ought to apply prospectively. The submission coupled with the interpretation espoused by Mr. Rastogi in this regard, would lend no assistance to the case of the Petitioners in the given factual matrix.

72. Moreover, we may note that consignment in respect of which Let Export Order is issued by the Customs prior to 13th May 2026 i.e. before the issuance of the Impugned Notification are unaffected, subject to verification from customs record. The contention of the Petitioners *qua* their incomplete exports, is seriously disputed by the Respondents. Considering that these issues would also entrench upon the realm of disputed facts, they cannot be adjudicated in a Writ Petition.

73. We advert to the submission of the Petitioners that by issuing the Impugned Notification the Respondents have acted in violation of the Petitioners vested right and their legitimate expectation. In this context, firstly, we may note that the earlier Notifications dated 14th November 2025 and 13th February 2026 only allocate quotas of sugar to sugar mills for the purposes of export. We find substance in the submission of Mr. Singh, that mere allocation of quotas *per se* cannot create any vested right.

74. This is for the reason that the earlier Notifications dated 14th November 2025 and 13th February 2026 as reflected therein set out the modalities to undertake export of sugar as specified in the said Notifications. The language, purport and intent of the said Notifications, more particularity from a bare reading of paragraph 4 onward of the Notification dated 14th November 2025 makes the aspect of modalities crystal clear. In view thereof, we cannot accept the Petitioner's submission of any right being created in their favour. Consequently, there is no question of divesting them of any rights much less vested rights.

75. We may now advert to the decision cited by Mr. Singh in ***Ugar Sugar works Ltd. Vs. Delhi Administration and Others***[5], more particularly paragraph 18 thereof, in the context of judicial review of policy decision. The Supreme Court in the said decision has held that if a policy cannot be faulted on the grounds of irrationality, perversity and mala fides, the mere fact that it would hurt business interest of a party does not justify invalidating the policy. The Courts are not expected to express their opinions as to whether at a particular point of time or in a particular situation, such policy should have been adopted or not. It is best left to the discretion of the State. We, therefore, find ourselves in agreement with the submission of Mr. Singh, in this regard.

76. Contextually, we find merit in reliance of Mr. Singh on the judgment of ***Go-Go International*** *(Supra)*, where the Delhi High Court was dealing with export import policy and changes in the terms and conditions thereof. The Delhi High Court has held that the Petitioner cannot claim any vested right merely on the issuance of quotas. In arriving at the above conclusion *(supra)*, the Delhi

[5]. (2001) 3 SCC 635

High Court had placed reliance on the decision of the Supreme Court in ***PTR Exports (Madras) Private Limited and Others vs. Union of India & Others***[6]. This to the effect that, when the government is satisfied that change in the policy was necessary in the public interest, it would be entitled to revise the policy and lay down a new policy. This Court, therefore, would be inclined to recognize the authority of the government to evolve fiscal policy in public interest and to act upon the same. Accordingly, the government would be well within its jurisdiction to issue or withdraw or modify such policy. As such, the Petitioners would have no vested or accrued right, to seek enforcement thereof, in the absence of any arbitrariness or *malafides* attributable to the Respondents. Mr. Rastogi has attempted to distinguish the said decision, however, in our considered view, in light of the clear legal position in the said decisions, the same would be befittingly applicable to the proceedings before us.

77. Mr. Rastogi has attempted to rely upon the principle of promissory estoppel at the Bar. However, we do not find any pleadings on record to substantiate such submission. In the absence of any material on record, the Petitioners have failed to demonstrate as to how there would be any material alteration of their legal and/or vested rights, in the given facts and circumstances. This being so, the plea of promissory estoppel raised during arguments, would pale into insignificance, in the given factual complexion.

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6 1996 SCC 5 268

78. We may now advert to the case of the Petitioners emphatically urged by Mr. Rastogi premised on the doctrine of legitimate expectation, the denial of which, he would submit, is contrary to law. In this context, it is apposite to refer to the decision of the Supreme Court in ***Ram Parvesh Singh and Others vs State of Bihar and Others***[7]***.*** Here the Supreme Court had posed a question as to what is legitimate expectation? It was held that obviously it is not a legal right. It is an expectation of a benefit, relief or remedy that may ordinarily flow from a promise or established practice………..". Not being a right, it is not enforceable as such.

79. Considering the above and its relevance to the given factual matrix, we may observe that the Petitioners have no direct dealings with the authorities, neither have they entered into any transactions or negotiations directly with the statutory authorities. In view thereof, the absence of any discriminatory and/or arbitrary exercise of power/authority by the Respondents, would not warrant interference of this Court, in writ jurisdiction, in the given factual matrix.

80. The Supreme Court has in the decision of ***PTR Exports (Madras) Private Limited*** *(supra)* examined the submissions on the basis of vested rights and legitimate expectation. It held that it would be open to the government to evolve new schemes. The Petitioners would get their legitimate expectations accomplished in accordance with such schemes subject to them satisfying the conditions required therein. Accordingly it was held that the High

[7]. 2006 SCC 8 381

Court was right in its conclusion that the government is not barred by the promises or the legitimate expectations, from evolving new policy by the Notification. These observations and the law laid down in the said decision would, in our considered view, squarely apply to the facts of the present case.

81. We are conscious of the decision of the Supreme Court in ***Aravali Golf Club vs Chander Hass***[8], wherein it has held that the Court must maintain judicial restraint and not ordinarily encroach in the domain of the executive or the legislature. Such observations were made in the context of the impugned press note and notification which were assailed therein. We find that the ratio laid down in the said decision is applicable in the given fact situations.

82. We find it pertinent to observe that the Petitioners being Export Houses/Merchant Exporters for export of sugar, they may have executed bilateral arrangements with sugar mills and/or overseas buyers. However, it must be borne in mind that all the Petitioners are Business Houses engaged in such business activities for a considerable period of time. Therefore, such commercial ventures on their part appears to be primarily speculative which is always exposed to the vagaries of policy variations, which may come in way of any domestic and/or International Contract/(s). However, the legal framework available in our country is both adequate and sufficient to address issues of violations of rights, if any, arising out of such changes in the policy. Moreover, in light of our observations above, in our considered view, the actions of the

[8]. (2008) 1 SCC 683

Respondents, are well within the parameters and confines of Article 14 of the Constitution.

83. The Petitioners before us have placed due reliance on Article 19(1)(g) of the Constitution of India as they would urge that the Impugned Notification has infringed their fundamental right so guaranteed. We have considered the same. The policy decision arrived at, conditionally prohibits exports under the Impugned Notification, which operates prospectively. The decision is taken considering that sugar is an agricultural commodity of mass consumption. The domestic availability and the pricing of such sugar have a bearing on the production, manufacture, and consumption of such essential commodity in the country. Thus, the element of supervening national/public interest is clearly discernible. Article 19(1)(g) mandates reasonable restrictions and is not absolute. This would apply with equal force in the cases before us.

84. Mr. Rastogi, learned counsel for the Petitioners has tendered a compilation of various decisions much after the Petition was reserved for judgment. However, no submissions were advanced on the relevance and applicability of these judgments to the facts and circumstances of the present case. Having gone through the said decisions, we are of the view that the same are couched in different and distinct facts. Accordingly, these would have no application to the cases before us. In view thereof, to avoid prolixity, we have not dealt with each decision separately.

V. Conclusion:

85. Legitimate expectation is not an enforceable right, more particularly in the context of a well-reasoned policy decision. The only exception, in our view, to warrant interference would be when such decision suffers from the vice of arbitrariness so as to be hit by Article 14 of the Constitution. We do not find such exception to be applicable in the cases before us.

86. We find it pertinent to note that these are cases where the legitimate expectation as pleaded by the Petitioners cannot be placed at a pedestal higher than that of the producers and consumers of sugar as far as the domestic sugar industry is concerned. Protecting the same at the relevant time appears to be the need of the hour. The Respondents being the competent authorities acting under the respective statutes are clothed with the expertise and wherewithal to take an informed decision. Having observed thus, interference by this Court, in exercise of its extra ordinary jurisdiction, would not be conducive, in the given factual complexion.

87. We have noted the projection of the Petitioners that they would be at the risk of being driven into commercial arbitration at the behest of private parties/overseas buyers. However, our judgment would always be guided by law and the applicable legal principles and not futuristic anticipation of the Petitioners. We cannot countenance an approach where private commercial interests and the hardships faced, if any, will undermine policy decisions taken in accordance with law, guided by the supervening public and national interest. Our findings in the judgment are duly supported by the Latin maxim *salus populi est suprema lex*[9] which translates into welfare of the people being the supreme law.

88. We may clarify that in Writ Petition No. 7850 of 2026 (Sucden India Pvt. Ltd. Vs Union of India & Others), there is an attempt to distinguish the facts on the ground that the representations made by the said Petitioner to the Respondents are not decided. However, in light of the reasons narrated in our judgment, such submission would not further the cause of the said Petitioner, in the given factual complexion. In the said Writ Petition, the Petitioners also claim to have obtained the Irrevocable Commercial Letter of Credit. However, the record bears out that the same has not been obtained prior to the issuance of the Impugned Notification as the law would mandate, as observed by us *(Supra).* Accordingly, even on this count, the said Petition warrants no interference by this Court in its exercise of writ jurisdiction. Similarly, in our considered view, our judgment would fully cover the case of the Writ Petitioner in the companion Writ Petition No. 8024 of 2026. (Mosur Dharmalingam Sivakumar vs. Union of India & Others.)

89. For all the above reasons, we find no merit in the subject/captioned Petitions, which are Dismissed. Rule is Discharged. Parties to bear their own costs.

[9] 'Salus populi est suprema lex'", Mitra's Legal & Commercial Dictionary, 6th ed., Tapash Gan Choudhury ed., (Eastern Law House, 2026), p. 772.

90. Before parting with the record, in the peculiar facts and circumstances, in the interest of justice, we deem it fit to observe that as far as the quantities of sugar retained by the Petitioners is concerned, they would be at liberty to sell/dispose of the same in the domestic market. Needless to clarify that such measures if so taken, would be in accordance with the governing laws including the Sugar Control Orders, as applicable and subject to the Petitioners complying with the legal requirements, in this regard.

91. All concerned to act on an authenticated copy of this judgment.

(ADVAIT M. SETHNA, J.) **(SUMAN SHYAM, J.)**