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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7172/2010

SOHAN LAL JI MAHESHWARI Petitioner
Through: Mr. Pradeep Jain, Advocate.

versus

COMMISSIONER OF CUSTOMS AND ANR Respondents
Through: Mr. Mukesh Anand with Mr. R.C.S.
Bhadoria, Advocate for R-1.

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W.P.(C) 7173/2010

ABHISHEK MAHESHWARI Petitioner
Through: Mr. Pradeep Jain, Advocate.

versus

COMMISSIONER OF CUSTOMS AND ANR Respondents
Through: Mr. Mukesh Anand with Mr. R.C.S.
Bhadoria, Advocate for R-1.

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W.P.(C) 7174/2010

RAJESH MAHESHWARI Petitioner
Through: Mr. Pradeep Jain, Advocate.

versus

COMMISSIONER OF CUSTOMS AND ANR Respondents
Through: Mr. Mukesh Anand with Mr. R.C.S.
Bhadoria, Advocate for R-1.

Signature Not Verified

Digitally Signed By: AMULYA
Certify that the digital file and
physical file have been compared and
the digital data is as per the physical
file and no page is missing.

CORAM: JUSTICE S. MURALIDHAR

ORDER
30.11.2010

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1. The consignment that has been imported is of Nigerian Dried Split Ginger. The testing of the Central Food Laboratory ('CFL'), Ghaziabad showed that the volatile oil (dry basis) in the sample was 1.10% against the prescribed standard of 1.5% and, therefore, the sample was held to be adulterated. The Petitioners challenge the test report and pray for re-testing of the samples.

2. Appearing on behalf of Department of Customs, Mr. Anand, Advocate submits that no formal request has been received as yet from the Petitioners by the Department of Customs for re-testing. He adds that there is no provision under the Prevention of Food Adulteration Act for re-testing of the samples.

3. Considering that the report of the CFL is being acted upon by the Customs Department by withholding from clearance the consignments imported by the Petitioners, it appears to this Court to be in the interests of justice to direct that samples be taken from the consignments imported by each of the Petitioners and the samples got re-tested. The samples shall be drawn by the Department of Customs within one week from today and sent for re-testing to CFL, Ghaziabad within one week thereafter. The report of re-testing be requisitioned within a period of four weeks thereafter. A copy of the report shall be furnished to each of the Petitioners within one week of its receipt. It will be open to the Petitioners, if aggrieved by such test report, to seek appropriate remedies as may be available to them in accordance with law.

4. No further directions are called for. The writ petitions are disposed of.

5. A copy of order be given dasti to learned counsel for the parties under the signature of the Court Master.



S. MURALIDHAR, J

NOVEMBER 30, 2010

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-FRESH CM 21844/10 for Modification of order dt 30¹¹/₂₀₁₀ (p-29)