

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 24336 of 2015 (N)

PETITIONER(S):

**M/S.CRAIGMORE PLANATIONAS (INDIA) PVT. LTD.,
CRAIGMORE GROUP, KULLAKAMBY POST, NILGIRIS,
PIN-643218, TAMIL NADU, REP.BY ITS CHIEF FINANCIAL OFFICER,
MR.PAUL CHANDRA KUMAR.**

**BY ADVS.SRI.JOSEPH KODINATHRA (SR.)
SRI.V.ABRAHAM MARKOS
SRI.MATHEWS K.UTHUPPACHAN
SRI.BINU MATHEW
SRI.TERRY V.JAMES
SRI.B.J.JOHN PRAKASH
SRI.TOM THOMAS (KAKKUZHIYIL)**

RESPONDENT(S):

- 1. FOODS SAFETY AND STANDARDS AUTHORITY OF INDIA,
MINISTRY OF HEALTH & FAMILY WELFARE,
GOVERNMENT OF INDIA, FDA BHAVAN, KOTLA ROAD,
NEW DELHI -110 002.**
- 2. THE AUTHORIZED OFFICER,
COCHIN SEAPORT AND AIRPORT,
FOODS SAFETY AND STANDARDS AUTHORITY OF INDIA,
MINISTRY OF HEALTH & FAMILY WELFARE, 1ST FLOOR,
MARINE BUILDING, NORTH END,
WILLINGDON ISLAND, COCHIN - 682 009.**
- 3. THE DEPUTY COMMISSIONER OF CUSTOMS,
IMPORTS, CUSTOMS HOUSE, WILLINGDON ISLAND,
COCHIN - 682 009.**

**R1-R2 BY ADVS. SRI.PAUL JACOB
SRI.MEHOOD PRACHA
R3 BY ADV. SRI.JOHN VARGHESE,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - TRUE COPY OF THE CIRCULAR F.NO.DR/15(39)/BULK PACKAGING/2012 DATED 08.05.2014 OF THE TEA BOARD**
- P2 - TRUE COPY OF THE LETTER DATED 21.12.2014 ISSUED TO THE PETITIONER**
- P3 - TRUE COPY OF THE BILL OF ENTRY NO.8445548 DATED 27.2.2015**
- P4 - TRUE COPY OF THE DETAILS AND PROCESSING HISTORY OF THE APPLICATION FOR NOC RECEIPT FOR PAYMENT OF SAMPLE ANALYSIS FEE WITH RESPECT TO THE PETITIONER'S CONSIGNMENT.**
- P4(A) - TRUE COPY OF THE RECEIPT FOR PAYMENT OF SAMPLE ANALYSIS FEE WITH RESPECT TO THE PETITIONER'S CONSIGNMENT**
- P5 - TRUE COPY OF THE REJECTION REPORTS FOR BOTH GREEN TEA AND BLACK TEA ISSUED BY THE 2ND RESPONDENT**
- P6 - TRUE COPY OF THE LETTER DATED 16.4.2015 ISSUED BY THE PETITIONER TO THE 2ND RESPONDENT WITH ENCLOSURES**
- P7 - TRUE COPY OF THE PRINT OUT OF THE E-MAIL DATED 15.5.2015 ISSUED BY THE 1ST AND 2ND RESPONDENTS**
- P8 - TRUE COPY OF THE CIRCULAR NO.1-17/FSSAI/T/2010 (PART J) DATED 23.03.2012 REGARDING "GUIDELINES RELATING TO FOOD IMPORT CLEARANCE PROCESS BY FSSAI'S AUTHORIZED OFFICERS.**
- P9 - TRUE COPY OF THE IMAGE OF ONE WHOLESALE BAG OF PETITIONER'S RE-IMPORTED TEA**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 24336 of 2015

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Dated this the 20th day of November, 2015

J U D G M E N T

The petitioner, a company engaged in manufacturing and exporting of tea. The petitioner exported tea to a foreign buyer. The foreign buyer rejected the consignment. Therefore it was reimported to India.

2. The 2nd respondent Food Safety and Standards authority refused to issue NOC. This is on account of the fact that analysis shows that the sample would not conform with the standards. Thereafter based on the direction of this Court the samples were sent for analyse. The sample report has been placed before this Court which shows that the sample conforms with the standards.

3. The learned Standing Counsel for the Food Safety and Standards Authority of India submits that petitioner consignment is reimported and is not meeting packaging and labelling regulations. Therefore it cannot be released to the petitioner. The learned Standing Counsel for the Excise Department also supported

the view of Food Safety and Standard Authority of India.

4. This Court is of the view that since consignment is a reimport, the tea can be released to the petitioner. However the petitioner can market the tea only in accordance with the prescribed labelling conditions. In that view of the above, there shall be a direction to release the detained tea within a week from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE