

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 33154 of 2015 (T)

PETITIONER :

**M/S. MARHABA TRADING COMPANY,
5/22A, NANNMUKKU P.O., CHANGARANKULAM
MALAPPURAM DISTRICT
REPRESENTED BY ITS MANAGING PARTNER
MR.MUHAMMED ANASS, AGED 29 YEARS**

**BY ADVS.SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH
SRI.ADARSH KUMAR
SRI.BIJU VARGHESE ABRAHAM
SRI.DILEEP CHANDRAN**

RESPONDENTS:-:

- 1. UNION OF INDIA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE
MINISTRY OF FINANCE, GOVERNMENT OF INDIA, NORTH BLOCK
NEW DELHI - 110 001.**
- 2. THE COMMISSIONER OF CUSTOMS, (SIIB)
SPECIAL INTELLIGENCE AND INVESTIGATION BRANCH
CUSTOM HOUSE, WILLINGDON ISLAND, COCHIN - 682 009.**
- 3. DEPUTY COMMISSIONER OF CUSTOMS (IMPORT)
OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE,
COCHIN - 682 009.**
- 4. AUTHORISED OFFICER
FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
COCHIN SEA PORT & AIR PORT
(MINISTRY OF HEALTH AND FAMILY, WELFARE), 1ST FLOOR
MARINE BUILDING, NORTH END, WILLINGDON ISLAND
COCHIN - 682 009.**

**R1 TO R3 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL,SC,
R4 BY ADV. SRI.PAUL JACOB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE COMMERCIAL INVOICE DATED 17.02.2015.
P2: TRUE COPY OF THE BILL OF LANDING, DATED 18.02.2015.
P3: TRUE COPY OF THE CERTIFICATE OF ORIGIN, DATED 17.02.2015.
P4: TRUE COPY OF THE BILL OF ENTRY, DATED 18.02.2015.
P5: TRUE COPY OF THE BILL OF LADING DATED 07.04.2015.
P6: TRUE COPY OF THE EXAMINATION ORDER, DATED, 06.04.2015.
P7: TRUE COPY OF THE JUDGMENT IN W.P.(C)NO.14949/2015 DATED 15.09.2015.
P8: TRUE COPY OF THE OBJECTION REPORT DATED 29.09.15.
P9: TRUE COPY OF THE ANALYSIS REPORT, DATED 29.09.15.
P10: TRUE COPY OF THE LETTER CAUSED BY THE PETITIONER TO THE 2ND
RESPONDENT DATED 26.10.2015.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P(C)No.33154 of 2015

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Dated this the 2nd day of December, 2015

JUDGMENT

Petitioner is the importer of Areca Nuts. The imported samples of Areca Nuts found do not conform with the standard specified under the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

2. Based on the interim order, the samples were sent for analysis by Export Inspection Agency, Kochi. The analysis report has been placed before this court. The report shows that the samples do conform with the standard prescribed in Food Safety and Standards (Contaminants, Toxins ad Residues) Regulations, 2011.

3. This court in similar judgment held that if the consignments comply with the standards in terms of the Regulations under Food Safety and Standards (Contaminants, Toxins ad Residues) Regulations, 2011 it shall be released. In

view of the fact that the analysis report shows that the Areca Nut samples conform with the prescribed standard, the imported nuts shall be released to the petitioner.

Writ Petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

vdv/03/12/15