

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**MONDAY, THE 7TH DAY OF DECEMBER 2015/16TH AGRAHAYANA, 1937**

**WP(C).No. 33349 of 2015 (P)**  
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**PETITIONER :**  
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**ABDULLA JASIM, AGED 28 YEARS,  
S/O.MUHAMMED KUTTY, MUKKILA PEEDIYEKKAL HOUSE,  
BIYYAM.P.O., PONNANI, MALAPPURAM DISTRICT,  
PROPRIETOR M/S MRJ TRADING, 215-B, THRIKKAVU,  
29 PONNANI, MALAPPURAM-679 577.**

**BY SRI.DEVAN RAMACHANDRAN,SENIOR ADVOCATE  
ADVS. SRI.K.M.ANEESH  
SRI.K.SANTHOSH KUMAR (KALIYANAM)  
SRI.ADARSH KUMAR  
SRI.BIJU VARGHESE ABRAHAM  
SRI.DILEEP CHANDRAN**

**RESPONDENT(S):**  
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- 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.**

**R2 & R3 BY ADVS. SRI.JOHN VARGHESE,SC,CEN.BOARD OF EXCISE  
SRI.THOMAS MATHEW NELLIMOOTTIL,SC,CB EXCISE  
R4 BY ADVS. SRI.PAUL JACOB  
SRI.MEHMOOD PRACHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 07-12-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**

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- P1- TRUE COPY OF THE COMMERCIAL INVOICE DATED 26.02.2015.
- P2- TRUE COPY OF THE BILL OF LADING.
- P3- TRUE COPY OF THE CERTIFICATE OF ORIGIN, DATED 02.03.2015.
- P4- TRUE COPY OF THE BILL OF ENTRY, DATED 02.03.2015.
- P5- TRUE COPY OF THE EXAMINATION ORDER, DATED, 19.03.2015.
- P6- TRUE COPY OF THE PSTYOSANITARY CERTIFICATE, DATED 27.02.2015.
- P7- THE TRUE COPY OF THE IMPORT RELEASE ORDER, DATED 25.03.2015.
- P8- TRUE COPY OF THE JUDGMENT IN W.P[C]NO.14944 DATED, 15.09.2015.
- P9- TRUE COPY OF THE REJECTION REPORT, DATED, 25.05.15.
- P10- TRUE COPY OF THE TEST REPORT, DATED, 25.05.15.
- P11- TRUE COPY OF THE LETTER CAUSED BY THE PETITIONER TO THE 3RD RESPONDENT, DATED 27.10.2015.

**RESPONDENT(S)' EXHIBITS:**

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NIL

**/TRUE COPY/**

**P.A.TO JUDGE**

**sts**

**A. MUHAMED MUSTAQUE, J**

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**W.P.(C).No. 33349 of 2015**  
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**Dated this the 07<sup>th</sup> day of December, 2015**

**JUDGMENT**

The petitioner is the importer of arecanuts. The imported consignment has been detained as it did not conform with the standards prescribed under Food Safety and Standards Regulations, 2011. At the instance of the petitioner, again sample was taken for analysis report by Export Inspection Agency, Kochi. The laboratory report also be placed before this Court, the same also indicate consignment did not conform with the standards under the Food Safety and Standards (Contaminants, Toxins and Residues) Regulation, 2011.

2. The learned counsel for the petitioner submits that the petitioner may be given one more opportunity to send the samples. This plea on the part of the petitioner has been strongly opposed by the learned Standing Counsel appearing for the respondents.

3. This Court is of the view that there is no necessity to send the samples again, in view of consistent reports showing that the samples do not conform with the prescribed standards under the Food Safety and Standards Regulations, 2011.

In that view of the matter, with a liberty to re-export the consignment, the writ petition is dismissed.

Sd/-  
**A. MUHAMED MUSTAQUE**  
**JUDGE**

bpr