

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 36069 of 2015 (G)

PETITIONER(S):

**M/S AL-SHABIB TRADING COMPANY,
AYYAPPA ARCADE, NEAR RAILWAY GATE, WADAKANCHERY,
THRISSUR-680 582,
REPRESENTED BY ITS PROPRIETOR SRI. ABDUL SATTAR.**

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

RESPONDENT(S):

- 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 & PORT,
(MINISTRY OF HEALTH AND FAMILY WELFARE), 1ST FLOOR,
MARINE BUILDING, NORTH END, WILLINGDON ISLAND,
COCHIN-682 009.**

**R2-R3 BY ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC
R4 BY ADV. SRI.PAUL JACOB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 36069 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1. TRUE COPY OF THE COMMERCIAL INVOICE DATED 06-04-2015.

EXT.P2.TRUE COPY OF THE BILL OF LADING.

EXT.P3.TRUE COPY OF THE CERTIFICATE OF ORIGIN, DATED 08-04-2015.

EXT.P4. TRUE COPY OF THE BILL OF ENTRY, DATED 31-3-2015.

EXT.P5. TRUE COPY OF THE EXAMINATION ORDER, DATED 15-5-2015.

EXT.P6. TRUE COPY OF THE PSTYOSANITARY CERTIFICATE DATED 31-3-2015.

EXT.P7. THE TRUE COPY OF THE IMPORT RELEASE ORDER, DATED 6-5-2015.

EXT.P8. TRUE COPY OF THE JUDGMENT IN W.P.(C) NO. 14944/2014.

EXT.P9. TRUE COPY OF THE REJECTION REPORT, DATED 07-07-2015.

EXT.P10. TRUE COPY OF THE TEST REPORT, DATED 06-07-2015.

**EXT.P11. TRUE COPY OF THE LETTER CAUSED BY THE PETITIONER TO THE
3RD RESPONDENT, DATED 23-11-2015.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.MUHAMED MUSTAQUE, J.

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W.P(C)No.36069 of 2015

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Dated this the 18th day of December, 2015

JUDGMENT

The petitioner imported Areca Nut. This has been detained finding that the samples do not conform with the standards specified under the Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011.

2. Based on the interim order passed by this Court, 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 specified under the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011, though it do not conform with other standards of betel nuts.

3. In the light of the judgment of this Court in W.A No.907/15 and connected cases, produced as Ext.P8, this Court is of the view, consignment can be ordered to be released to the petitioner as it conform with the standard specified under the

Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011. Accordingly, the respondents are directed to release the Areca Nuts to the petitioner.

The writ petition is disposed of as above.

Sd/-
A.MUHAMED MUSTAQUE,
JUDGE

vdv/21/12/15