

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.11896 of 2015

Bunge India Pvt Ltd
Rep by its POA Ravi Swaminathan
AVP - Sourcing & Risk Management
The Capital 601C & 601 D
6th Floor, C-70 G Block
Bandra, Kurla Complex
Mumbai.

.. Petitioner

v.

- 1 The Authorized Officer
Food Safety & Standards Authority of India
Ministry of Health and Family Welfare
Govt of India, Office of the
By-Director CID Rajaji Bhavan
Besant Nagar
Chennai.
- 2 The Assistant Director
Food Safety & Standards Authority of India
Imports Division Ministry of Health and Family Welfare
FDA Bhawan Kotal Road
New Delhi - 110 002
- 3 Commissioner of Customs
Customs House
60 Rajaji Salai
Chennai 600 001

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus, calling for the records culminating in the file No.1-1220/FSSAI/Imports/2014, order dated 24/03/2015 passed by the 2nd Respondent and quash the same and consequently direct the respondents to release the consignment of Crude Palm Kernel Oil bearing bill of Entry No.7382976 dated 14/11/2014.

For Petitioner : Mr.J.Sivanandaraaj

For Respondents : Mr.K.Surendranath
- for R1 & R2

Mr.Xavuer Felix, CGSC - for R3

ORDER

Challenging the impugned order dated 24.03.2015, which has been passed holding that the Crude Palm Kernel Oil imported by the petitioner with respect to the Iodine value did not conform to the standard as required under Regulation 2.2.1(21) of Food Safety and Standards (Food Products and additive) Regulations, 2011, the present writ petition has been filed.

2. When the matter is taken up for hearing, re-sampling was ordered. Accordingly, in a sealed cover, the Test Report is furnished before this Court. A perusal of the Report Number:7815-246-0213, dated 07.09.2015 would show that result of the iodine value is 16.64 as against the prescribed standard of 10-23.

3. The opinion of the Assistant Manger would show that he is satisfied that the sample Crude Palm Kernel Oil conforms to the standards laid down under 2.2.1(21) of Food Safety and Standards (Food Products and additive) Regulations, 2011.

4. In view of the same, the impugned order is set aside and the writ petition stands allowed. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Rj

To

- 1 The Authorized Officer
Food Safety & Standards Authority of India
Ministry of Health and Family Welfare
Govt of India
Director CID Rajaji Bhavan
Besant Nagar, Chennai.
- 2 The Assistant Director
Food Safety & Standards Authority of India
Imports Division Ministry of Health and Family Welfare
FDA Bhawan Kotal Road
New Delhi - 110 002

3 Commissioner of Customs
Customs House
60 Rajaji Salai
Chennai 600 001.

1 cc to Mr. K.Surendranath, Advocate Sr.No.49774/15
1 cc to Mr. .J.Sivanandaraaj, Advocate Sr.No.49885/15
1 cc to Mr. Mr.Xavuer Felix , Advocate Sr.No.49902/15

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cnr(co)
pmk.14.9.2015



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