

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.29804 of 2016 &
W.M.P.No.25804 of 2016

M/s Arunachala Impex Private Limited
rep. by its Director Mr.M.Selvaraju
Chennai. .. Petitioner

..Vs..

The Authorised Officer
Sea Port and Airport
Food Safety and Standards Authority Of India
Southern Regional Office
2nd Floor, Central Documentation Complex
Chennai Port Trust Building
Rajaji Salai, Chennai 600 001. .. Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondent to draw joint samples from the consignment of the petitioner under Bill of Entry No.5714805 dated 21.6.2016 and send the same for lab testing in terms of Notification No.1-17/FSSAI/T/2010 dated 20.01.2012 of the respondent within a time frame.

For Petitioner : M/s Nageswaran
Narichania

For Respondent : ***Ms.Yasmeen Ali**

O R D E R

Heard Mr.Nageswaran, learned counsel for the petitioner and ***Ms.Yasmeen Ali** learned Senior Panel Counsel accepting notice on behalf of the respondent. By consent, the writ petition itself is taken up for final disposal.

2.The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus to direct the respondent to draw joint samples from their consignment under Bill of Entry No. 5714805 dated 21.6.2016 and send the same for lab testing in terms of respondent's Notification No.1-17/FSSAI/T/2010 dated 20.01.2012.

3.The petitioner had imported consignment of 119.453 Metric tonnes of Black Matpe 2016 Crop Raw pulses from M/s Evertop Commodities Pte Ltd. Singapore. The petitioner filed Bill of Entry dated 21.6.2016, for clearance of goods and the respondent Department had drawn two samples of consignment on 27.06.2016 and sent the same to the Laboratory for testing. However, the Lab Analysts rejected the samples by holding that the mineral matter and impurities were more than the permissible limit. Accordingly, the petitioner requested for re-testing of the samples by Referral Lab and the Referral Lab has also tested the samples and submitted their report.

4.The petitioner by placing reliance on the notification dated 20.01.2012, issued by the FSSAI, requested permission for clearing the imported consignment by removing the foreign matter, mineral matter etc. The said request was acceded to by the Customs Department and according to the petitioner they have done the cleaning and sorting out work and that was communicated to the respondent by the Assistant Commissioner (Bonds), Office of the Commissioner of Customs (Chennai-V), vide communication dated 09.08.2016. Following the said communication, the petitioner submitted a representation to the respondent on 10.08.2016, requesting them to re-draw the samples and send the same to the lab for re-testing and it is stated that the said representation is now pending consideration before the respondent.

5.As it has been stated that the petitioner has done the cleaning/ sorting work for import of the consignment and the Customs Department has also informed the respondent about the same vide letter dated 09.08.2016 and the petitioner having also made a request for re-drawal of samples by representation dated 10.08.2016, there will be a direction to the respondent to re-

draw the samples and send the same for testing, within a period of two weeks from the date of receipt of a copy of this order and pass appropriate orders based on the Test Report, within a period of two weeks from the date of receipt of Test Report.

The Writ Petition is disposed of on the above terms. Consequently, connected miscellaneous petition is closed. No costs.

-s/d-
Assistant Registrar

***Corrected as per order
dated 1/9/2016
made in WP.No.29803 & 29804/16**

True Copy

Sub-Assistant Registrar

rpa

To

The Authorised Officer
Sea Port and Airport
Food Safety and Standards Authority Of India
Southern Regional Office
2nd Floor, Central Documentation Complex
Chennai Port Trust Building
Rajaji Salai, Chennai 600 001.

+1 cc to M/s.Nageswaran and Narichania Advocate sr 48585
dt 07/09/2016

W.P.No.29804 of 2016

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