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W.P.No.24963 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

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THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P.No.24963 of 2023

M/s.Aadishwar Excipients Private Limited,  
112A, Truck Terminal CMD, GST Road,  
Madhavaram, Chennai – 600 110,  
Represented by its Director Mr.K.Ramlal Jain

... Petitioner

Vs.

1. The Deputy Drugs Controller (India),  
Central Drug Standard Control Organization, South Zone,  
CDSCO Bhawan No.37, Jothi Venkatachalam Street,  
Vepery, Chennai – 600 007.
2. The Assistant Drugs Controller (India),  
CDSCO, Seaport, No.60, Rajaji Salai,  
Customs House, Chennai – 600 001.
3. The Drugs Controller General of India,  
CDSCO, FDA Bhawan, Kotla Marg,  
ITO Mandi House,  
New Delhi – 110 002.
4. The Deputy Commissioner of Customs (Gr.2),  
No.60, Rajaji Salai, Customs House,  
Chennai – 600 001.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 to 3 herein, to consider the representation of the petitioner dated 03.08.2023, in so far as, in the said representation, the petitioner had sought for, to take samples from the import consignment, covered under Bill of Entry No.6046574 dated 20.05.2023 and get it tested from any of the accredited laboratory and to release the subject import consignment, covered under Bill of Entry No.6046574 dated 20.05.2023, by granting the necessary NOC for the clearance of the subject import consignment, based on the test report to be provided by the said accredited Laboratory.

For Petitioner : S.Baskaran

For Respondents : Mr.T.V.Krishnamachari  
Senior Panel Counsel  
(Central Government)

### **ORDER**

This writ petition has been filed for a Mandamus to direct the respondents 1 to 3 to consider the representation of the petitioner dated 03.08.2023 in respect of Bill of Entry No.6046574 dated 20.05.2023 and to get it tested in an accredited Laboratory for clearance of the goods by granting NOC (No Objection Certificate).

2. The petitioner has re imported consignment of raw materials viz., Albendazole from an exporter from South Korea. The Bill of Entry which has been filed by the petitioner indicates that the product was manufactured by an Indian manufacturer viz., Sequent Scientific Limited, India.



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3. It appears that the Overseas Exporter who had originally purchased the goods from the aforesaid manufacturer in India was willing to sell the same and therefore the petitioner has imported the same and has filed the above Bill of Entry as early as on 20.05.2023.

4. According to the petitioner, the petitioner has a customer who can utilize the same for manufacture of drugs for being exported out of the country. A reference is made to the purchase order from Bizotic Lifescience Private Limited, Gujarat. The imported consignment of 16,550 Kgs of Albendazole USP (Micronized) which is a subject matter of the Bill of Entry No.6046574 dated 20.05.2023 has to be tested by the Authorities under the Drugs and Cosmetics Act, 1940.

5. It is submitted that the second respondent is situated within the Customs House at Chennai with accredited Laboratory for testing the drugs under the provisions of the Customs Act, 1962 and the rules made there under.



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6. Considering the above, the Court is inclined to dispose this Writ Petition by directing the second respondent to take samples of the imported goods and subject them to test and thereafter furnish the same to the fourth respondent and to the petitioner. The fourth respondent shall thereafter independently take call as to whether the imported goods are to be cleared or has to be destroyed or re-exported.

7. This exercise shall be carried out by the second respondent within a period of two (2) weeks from the date of receipt of a copy of this order. The fourth respondent shall process the Bill of Entry two weeks thereafter. The writ petition stands disposed of with the above observations and directions. No costs.

**12.09.2023**

Index : Yes/No  
Speaking/Non-speaking Order  
Neutral Citation :Yes/No

rgm

**Note: Issue Order Copy of 13.09.2023**



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To  
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**C.SARAVANAN, J.**

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