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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 28.05.2024

+ W.P.(C) 7075/2024

M/S CHANDIGARH SWEETS LIMITED

..... Petitioner

versus

UNION OF INDIA AND OTHERS & ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Pradeep Jain, Mr. Sambhav Jain, Mr. Shubhankar Jha, Mr. Pranav Raj Singh, Ms. Akshita Jain, Mr. Yash Gupta and Mr. Ashish Bansal, Advocates.

For the Respondents:

Mr. Chetan Sharma, Additional Solicitor General of India, Mr. Gaurav Sharma, SPC with Mr. Amit Gupta, Mr. Siddhartha Nagpal, Mr. Vinay Yadav, Mr. Vikramaditya Singh, Advocates and Mr. Gokul Sharma, G.P. for UOI along with Mr. Aniruddha and Dr. Venkatesan, Asst. Commissioner. Mr. Anurag Ojha, Sr. SC with Mr. Kumar Abhishek and Mr. Subham Kumar, Advocates for R-2.

CORAM:-**HON'BLE MR. JUSTICE SANJEEV SACHDEVA****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT**



SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks unconditional release of detained/seized goods, imported under Bill of Entry Number 7159419 dated 02.08.2023, by order passed by the Animal Quarantine and Certification Service (AQCS).
2. Petitioner is registered under the Udhyam Scheme and sought to import Skimmed Milk Powder and Whole Milk Powder from Poland. Petitioner applied for and was granted a Sanitary Import Permit, permitting petitioner to import skimmed milk subject to the condition that the country and locality of the skimmed milk was Poland and Ostrow Lubelski. The permit mandated that the product shall be purchased from a specified manufacturer.
3. Petitioner made a high sea purchase of the Skimmed Milk Powder which as per the petitioner satisfies the conditions of the permit and filed a Bill of Entry, however, the said consignment was detained by an order of the Animal Quarantine and Certification Service.
4. Learned Additional Solicitor General appearing on behalf of the respondent submits that the consignment was seized on account of health concerns as also alleged violation of the schedule to the notification dated 16.10.2014 issue under the Livestock Importation



Act, 1898.

5. This is denied by learned counsel for the petitioner. He, however, submits that Sanitary Import Permit has not been transferred to Ankita Agro and Food Processing Pvt. Ltd. and the import has been done by the petitioner for the purposes of processing and manufacturing and re-export.

6. Learned Additional Solicitor General under instruction submits that the Health Certificate and other documents of the product have been duly verified and keeping in view the peculiar facts and circumstances of the case and also the fact that the product is being imported for the purposes of processing manufacturing and re-export an exception is being made in the instant case and the goods covered under the subject Bill of Entry shall be unconditionally released for importation, manufacturing/processing and re-export, in terms of the advance licence obtained by the petitioner from the Directorate General of Foreign Trade.

7. The statement is taken on record.

8. In view of the above statement, the petition is disposed of directing the respondents to unconditionally release the goods covered under Bill of Entry Number 7159419 dated 02.08.2023.

9. Since the order has been passed in the peculiar facts and



circumstances of the case, it shall not be treated as a precedent. All questions of law and fact are left open.

10. The petition is disposed of in the above terms.

SANJEEV SACHDEVA, J

MAY 28, 2024
'rs'

TUSHAR RAO GEDELA, J