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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8931/2024, CM APPLs. 36420-36421/2024**

PUPPY OYE INC

.....Petitioner

Through: Mr. Anubhav, Mr. Arvind, Mr. Bhuvnesh Makhija, Ms. Preeti Yadav, Advocates.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Jagdish Chandra, CGSC with Mr. Aditya Chaturvedi, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

03.07.2024

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1. The present petition seeks the following prayers:

“(i) To release the confiscated Pet Food (Dux Nutri Formula brand) Chicken Chunks in gravy for cats under F. NO. K-50050-11/2021-DADF-Dept/AQCS ND/1385, QTY 300CTN G.W. 4443 kg/N.W. 3672 kg, of BOE no. 2623446 dated 18.03.2024 of the petitioner considering the perishable nature of the goods and the absence of any legal basis for continued confiscation.

(ii) To prevent the immediate Deportation or destruction of the said food items of the petitioner, ensuring their preservation until the adjudication process is completed and a final decision is made regarding their status.

(iii) To stay the operation of the order dated 28.05.2024 vide no. F. No. K-50050-11/2021-DADF-Dept/AQCS ND/1385 issued by Quarantine Officer Animal Quarantine & Certification Services (Ministry of Fisheries, Animal Husbandry and Dairying).”

2. The Petitioner's grievance arises out of order dated 28th May, 2024, passed by Quarantine Officer, Animal Quarantine & Certification (Ministry of Fisheries, Animal Husbandry and Dairying). The impugned order reads as



follows:

“ This office is writing the utmost urgency regarding the Consignment Pet Food (Dux nutri formula brand) Chicken Chunks in gravy for Cats (QTY 300CTN) G.W. 4443 kg/N.W. 3672 kg, of BOE no.2623446 dated 18.03.2024. The said consignment is not permitted as per the list mentioned in sanitary import permit no. 19558/2023/DADF dated 12.07.2023 which poses greater risk of transmission of diseases in our country without risk analysis.

2. This office gave sufficient time to importer to clarify the above matter as per sanitary import permit no. 19558/2023/DADF dated 12.07.2023, but not complied.

3. Hence, this office insists, in the strongest terms, to custom authority for expeditiously facilitate the deport or destruct of this consignment as earliest. This matter requires your immediate attention, and we anticipate your swift and cooperative response.”

3. At the outset, counsel for Petitioner states that he would be satisfied in case the Court were to direct the Respondents to consider his email representation dated 29th April, 2024, whereby the Petitioner has sought post-facto approval for their consignment. This email highlights details of the fresh SIP which was applied for by the Petitioner on 26th March, 2024, and was granted in their favour on 29th April, 2024, which would have a bearing on the impugned order.

4. The aforementioned representation is presently pending. In the opinion of the Court, at this juncture, the Respondent must firstly consider such a representation, prior to the Court examining the matter on merits.

5. Accordingly, the following directions are issued:

5.1. The Respondent shall, within a period of four weeks from today, decide the Petitioner's representation dated 29th April, 2024, in accordance with law.

5.2. It is clarified that the Court has not examined the merits of the case and all rights and contentions of the parties are left open. In case the law



permits for grant of post-facto approval for the imported consignment, the same shall be considered as per applicable norms and the decision thereon be taken in accordance with the above directions.

5.3 Till the time of decision is taken, the action proposed in the impugned order dated 28th May, 2024 is kept in abeyance.

5.4. In case the order passed is against the Petitioner, they shall be at liberty to take appropriate remedies against the same, in accordance of law.

6. With the above directions, the present petition is disposed of along with pending applications.

SANJEEV NARULA, J

JULY 3, 2024
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