



CWP-757-2025

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-757-2025 (O&M)**Date of decision: 06.02.2025****M/s Lens Craft Digital Studio****.... Petitioner****Vs.****Union of India and others****.... Respondents****CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Saurabh Kapoor, Advocate, with
Ms. Muskaan Gupta, Advocate,
for the petitioner.

Mr. Sunish Bindlish, Senior Standing counsel with
Mr. Viney Kumar, Advocate
respondents No.1 to 4, 6 and 7.

Mr. Ramanjit Singh, Advocate,
for respondent No.5.

ARUN PALLI, J (Oral)**CM-1954-CWP-2025**

CM is allowed.

Rejoinder is taken on record.

CWP-757-2025

The petitioner (M/s Lens Craft Digital Studio) has prayed for the following substantive relief:

“(i) Writ in the nature of Certiorari/Mandamus seeking quashing of Order/Letter dated 10.01.2025 (Annexure P-3) passed by Respondent No.4 wherein the request of the Petitioner for re-export of the goods comprising of “Roasted Areca Nuts” has been rejected being illegal arbitrary as well as in violation of the provisions of FSSA (Import) Regulations, 2017; AND/OR

(ii) Writ in the nature of Certiorari/Mandamus seeking quashing of Order/Letter dated 10.01.2025 (Annexure P-3) passed by Respondent No.4 being illegal arbitrary and



violative of the principles of natural and in violation of the principles of “Audi alterim parterm” since the Respondent has failed to grant an opportunity of personal hearing to the Petitioner as also the same being in the teeth of the judgement rendered by the Hon’ble Apex Court in the case of Sahara India (Firm) vs. Commissioner of Income Tax, Central I, 2008 (226) ELT 22 (S.C.): AND/OR

(iii) Writ in the nature of Certiorari/Mandamus seeking quashing of the Seizure/Detention Memo dated 02.12.2024 (Annexure P-1) in so far the said seizure is illegal, arbitrary as well as is in violation of the provisions of Food Safety Standards Authority of India Act, 2006 read with Foods Safety Standard (Import) Regulations, 2017 since the testing has been done in violation of the provisions of Food Safety Standard Authority (Import) Regulations 2017; AND/OR

(iv) Writ in the nature of Certiorari/Mandamus seeking quashing of the Seizure/Detention Memo dated 02.12.2024 (Annexure P-1) in so far the said seizure is illegal arbitrary as well s is in violation of the provisions of Food Safety Standards Authority of India Act, 2006 read with Food Safety Standard (Import) Regulations, 2017 since the testing has been done by Laboratory which is not authorized by the FSSAI as well as NABL; AND/OR

(v) Writ in the nature of Certiorari/Mandamus seeking quashing of the Seizure/Detention Memo dated 02.12.2024 (Annexure P-1) in so far the said seizure is illegal arbitrary as well as in violation of the provisions of Section 110 of the Customs Act, 1962 in so far the reasons to believe having been recorded on the basis of the test report, which ex-facie, illegal and arbitrary; AND/OR

(vi) Writ in the nature of Certiorari/Mandamus seeking quashing of the Test Report dated 25.11.2024 (Annexure P-2) in so far the said Test Report is in contravention of the provisions of Food Safety Standards Authority of India Act,



2006 as well as Foods Safety Standard (Import) Regulations, 2017; AND/OR

(vii) Writ in the nature of Certiorari/Mandamus seeking directions to the Respondent No.3 & 4 to permit re export of the goods comprising of “Areca Nuts” imported vide Bill of Entry No.5779834 dated 24.09.2024 in terms of Regulation 10 of the FSSA (Import) Regulations, 2017 as well as Circular No.58/2001 dated 25.10.2001 issued by Respondent No.2; AND/OR

(viii) Writ in the nature of Certiorari/Mandamus seeking directions to the Respondent No.3 & 4 to permit re export of imported “Areca Nuts” in so far the same having limited shelf life are subject to decay and damage due to prolonged detention;

(ix) Writ in the nature of Certiorari/Mandamus seeking quashing of the Test Report No.25.11.2024 (Annexure P-2) in so far the test report issued by the Respondent is in violation of the provisions of Regulation 10 of the Food Safety Standards Authority (Import) Regulations, 2017;

(x) Writ in the nature of Certiorari/Mandamus seeking quashing of the Test Report No.25.11.2024 (Annexure P-2), in so far the samples have been sent for testing in violation of the time lines as prescribed under the FSSA (Import) Regulations 2017; AND/OR

(xi) Writ in the nature of Certiorari/Mandamus seeking directions to the Respondents to adopt a uniform procedure to get the testing of goods i.e. “Food Items” in terms of Circular No.03/2011-Cus dated 06.01.2011 (Annexure P-24) and Circular No.36/2001 dated 15.06.2001 (Annexure P-25) from the nearest laboratory duly authorized by FSSAI vide Notification dated 05.06.2024 (Annexure P-26); and/OR

(xii) Writ in the nature of Mandamus seeking directions to the Respondent No.5 to frame guidelines and fix standards for testing of goods imported as “Roasted Areca Nuts”.”



Learned counsel for the petitioner submits that vide impugned seizure/detention order/memo dated December 02, 2024 (P-1), passed under Section 110 of the Customs Act, 1962, the Intelligence Officer, DRI, Ludhiana Zonal Unit, has seized the normal sundried/moderately heat treated areca nuts. Though, he submits, the case of the respondent authority is that the goods were wrongly declared as roasted areca nuts. Further, vide letter dated January 10, 2025 (P-3), issued by the Assistant Commissioner Customs, Ludhiana, the request of the petitioner to even re-export the seized consignment has also been declined.

Learned counsel for the petitioner submits that apparently, the action of the respondent authorities is palpably erroneous, and so are the orders that have been impugned. And, even the test report dated November 25, 2024, obtained from ICAR-Central Plantation Crops Research Institute, Kerala, by the respondents is being assailed. But, owing to the situation the petitioner is faced with, he would rather confine his prayer to command the respondent authorities to, at least, accord/grant necessary permission/approval to re-export the consignment.

Mr. Sunish Bindlish, learned Senior Standing counsel for respondents No.1 to 4, 6 and 7, in response to the limited prayer that is being made by learned counsel for the petitioner submits that vide letter dated January 10, 2025, the DRI had informed the Joint Commissioner, ICD, GDL, Sahnewal that an offence under the Customs Act, 1962 appears to have been committed in respect of the impugned goods. And, the importer being non-cooperative with the ongoing investigation, his request for re-export of the consignment cannot be considered at this stage. Be that as it may, he fairly submits that to secure the interest of all the stake holders, let the petitioner appear before the Senior Intelligence Officer, Ludhiana Zonal Unit, DRI, on 10.02.2025, at 11.00 AM and join the ongoing investigation. He submits that the matter being time sensitive, the competent authority would make every possible endeavour to conclude the process at the earliest and pass the necessary orders, in accordance with law. He fairly submits that till a final decision in this regard is reached, no coercive measures would be taken against the petitioner.

That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement made by learned counsel for the respondents No.1 to 4, 6 and 7.

In the wake of the position sketched out above, and in terms of the statement made by learned counsel for the parties, the petition is accordingly disposed of.

This Court is sanguine that the competent authority shall look into the matter in the right earnest. And, as undertaken by the learned counsel for the respondents No.1 to 4, 6 and 7, would try and conclude the proceedings as expeditiously as possible.

(ARUN PALLI)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

06.02.2025
deepak

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No