

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

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THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.No.45230 of 2025

M/s.Universal Impex,
G-29, A.P.M.C. Market-1, Phase-2,
Vashi (Turbhe),
Navi Mumbai – 400 705,
Rep. by its Proprietor,
Shri.Sarfraj Jaliyawala

... Petitioner

Vs.

- 1.The Commissioner of Customs,
Chennai Import Commissionerate,
Customs House, No.60, Rajaji Salai,
Chennai – 600 001.
- 2.The Additional Commissioner of Customs,
Chennai Import Commissionerate,
Customs House, No.60, Rajaji Salai,
Chennai – 600 001.
- 3.The Deputy Commissioner of Customs Group – 1B,
Office of the Commissioner of Customs,
Chennai Import Commissionerate,
Customs House, No.60, Rajaji Salai,
Chennai – 600 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents, particularly the first respondent to forthwith draw fresh/remanant samples of the imported areca nuts covered under Bill of Entry No.4521074 dated 15.09.2025, Bill of Entry No.4793276 dated 28.09.2025 and Bill of Entry No.5322464 dated 26.10.2025



and sent the same to the Food Safety and Standards Authority of India (FSSAI) Laboratory, Chennai for testing within a time frame, and to issue detention and demurrage waiver certificates in terms of Section 6(1)(l) of the Handling of Cargo in Customs Area Regulations, 2009 in respect of all three Bills of Entry.

For Petitioner : Mr.B.Satish Sundar

For Respondents : Mr.Rajnish Pathiyil
Senior Standing Counsel

ORDER

The issues that arise for consideration in this Writ Petition are as follows :-

(a) Whether an importer can request the Customs Department to send the samples for re-testing in a laboratory of his choice, when the Customs Department has pleaded through its counter that the referral laboratory cannot be as per the choice of the importer (petitioner)?

(b) Whether the CRCL can now be the primary laboratory and can be the referral laboratory as well?

2. In the instant case, samples pertaining to the goods which are covered under the subject bills of entries were sent by the Customs Department for testing before the CRCL, New Delhi. The test results have also been received.



As seen from the same, the subject goods have been declared as “unfit for human consumption”. The said result is disputed by the petitioner.

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3. Under those circumstances, the petitioner seeks for re-testing of the samples from another laboratory viz., Food Safety Laboratory, Chennai. The request of the petitioner as stated supra is hotly contested by the respondents as seen from their counter filed before this Court, as well as from the submissions made by the learned Standing Counsel appearing for the Customs Department.

4. The learned Standing Counsel appearing for the Customs Department relies upon the guidelines of the CBIC. According to her, as per the said guidelines, the choice of the said laboratory cannot be vested with the importer. Therefore, the request of the petitioner, seeking samples for re-testing by the FSSAI cannot be entertained.

5. After giving due consideration to the submissions made by both the counsels, this Court on a prima facie consideration is of the opinion that the guidelines cannot over ride the statute and when the statute does not prohibit referring the samples to a different laboratory, the guidelines cannot over ride the same by imposing a fresh condition, which is not provided under the statute.



6. The learned Standing Counsel appearing for the respondent sought time to get further instructions for the prima facie view expressed by this Court.

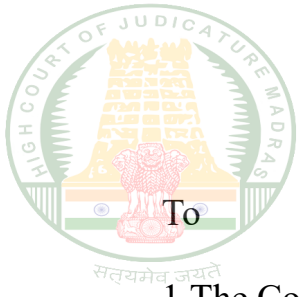
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7. Post the matter for continuation of arguments on 06.01.2026.

02.01.2026

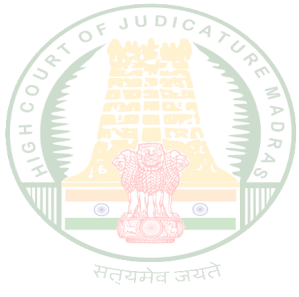
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

rts



To

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ABDUL QUDDHOSE, J.

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