

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 45230 of 2025

M/s.Universal Impex
G-29, A.P.M.C Market 1 Phase2, Vashi (turbhe),
Navi Mumbai-400 705 Rep By Its Proprietor,
Shri Sarfraj Jaliyawala

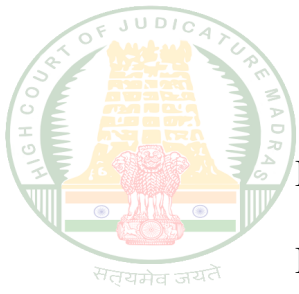
..Petitioner(s)

Vs

1. The Commissioner Of Customs
Chennai Import Commissionerate, Custom
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 Custom
Group-1b, Office Of The Commissioner Of
Customs, Chennai Import Commissionerate,
Customs House, No.60, Rajaji Salai,
Chennai-600 001

..Respondent(s)

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents, particularly, the 1st respondent to forthwith draw fresh/remnant samples of the imported areca nuts covered under Bill of Entry No.4521074 dated 15.9.2025 Bill of Entry No 4793276 dated 28.9.2025 and Bill of Entry No.5322464 dated 26.10.2025 and send the same to the Food Safety and Standards Authority of India (FSSAI) Laboratory, Chennai, for testing within a time frame and to issue detention cum demurrage waiver certificates in terms of section 6(1)(1) of the Handling of Cargo in Customs Area Regulations 2009 in respect of all three Bill of Entry.



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For Petitioner(s):

Mr.R.Vijay Narayanan, Senior Counsel for
Mr.B.Satish Sundar

For Respondent(s):

Mr.Rajnish Pathiyil,
Senior Standing Counsel

Order

The present Writ Petition has been filed to direct the respondents, particularly, the 1st respondent to draw fresh/remnant samples of the imported areca nuts covered under Bill of Entry No.4521074 dated 15.9.2025 Bill of Entry No 4793276 dated 28.9.2025 and Bill of Entry No.5322464 dated 26.10.2025 and send the same to Food Safety and Standards Authority of India (FSSAI) Laboratory, Chennai, for testing within a time frame and to issue detention cum demurrage waiver certificates in terms of section 6(1)(1) of the Handling of Cargo in Customs Area Regulations 2009 in respect of all three Bill of Entry.

2. The learned Senior Standing Counsel for the respondents, on 04.03.2026, wanted to take instructions to find if the laboratory at Chennai, has the requisite technologies and infrastructure covered under National Accreditation Board for Testing and Calibration Laboratories (NABL) for testing Aflatoxins and Microbial parameters with regard to areca nuts.

3. The learned Senior Standing Counsel for the respondents today has filed an affidavit, wherein at paragraph No.7, it has been stated that the National



Food Laboratory, Chennai, has the requisite technologies and infrastructure for testing Aflatoxins and Microbial parameters with regard to areca nuts. In such view of the matter, he would further submit that he has no objection for the prayer of the petitioner to have a fresh/remnant samples of the imported areca nuts to be tested by the National Food Laboratory, Chennai.

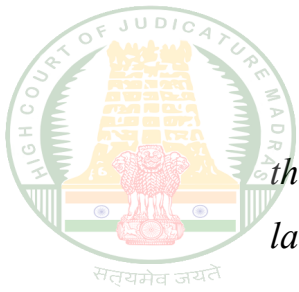
4. The learned Senior Counsel for the petitioner would place reliance on the interim order passed by this Court in W.P.No.36343 of 2023 etc. dated 06.02.2024, wherein, while dealing with the question whether areca nuts are fit for human consumption, directed for re-testing to be carried out by the FSSAI through one of the accredited laboratories, issued the following directions:

“(i) The respective petitioner is permitted to undertake cleaning of the goods while they remain in the custody of the respondents.

(ii) Samples for testing purposes from each consignment imported under each bill of entry shall be selected jointly by the respective petitioner, on the one hand, and the customs authorities, on the other, within a period of one week from the date of receipt of a copy of this order.

(iii) The authorized representative of the FSSAI is directed to collect such samples in the presence of the representatives of the respective petitioner and the respondents.

(iv) Such samples shall be transported in a sealed container to the FSSAI Office, Chennai. Upon receipt thereof,



the FSSAI shall send such samples for testing to one of the laboratories accredited to it.

(v) The said laboratory shall test the samples on all relevant parameters to determine whether the samples are roasted areca nuts.

(vi) Such testing shall also be undertaken for purposes of determining whether the areca nuts are fit for human consumption.

(vii) The report of the laboratory shall be communicated to this Court by the FSSAI on or before 05.03.2024.”

5. The learned Senior Counsel would submit that the above directions may also be followed in the present case.

6. This Court also finds it appropriate that the above conditions be complied while doing re-testing in the present case as well. As a matter of fact, the interim order relied upon by the learned Senior Counsel was carried in appeal before the Division Bench in W.A.Nos.1943 of 2024 etc, wherein, the learned Division Bench has confirmed the directions issued by the learned Single Judge.

7. Accordingly, this Court directs re-testing of the samples of areca nuts by National Food Laboratory, Chennai, subject to following conditions:

“(i) The respective petitioner is permitted to undertake cleaning of the goods while they remain in the custody of the



respondents.

(ii) *Samples for testing purposes from each consignment imported under each bill of entry shall be selected jointly by the respective petitioner, on the one hand, and the customs authorities, on the other, within a period of one week from the date of receipt of a copy of this order.*

(iii) *The authorized representative of the FSSAI is directed to collect such samples in the presence of the representatives of the respective petitioner and the respondents.*

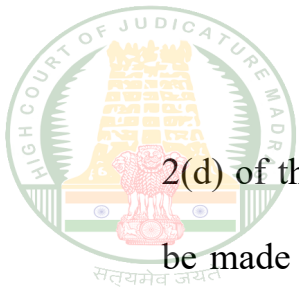
(iv) *Such samples shall be transported in a sealed container to the FSSAI Office, Chennai. Upon receipt thereof, the FSSAI shall send such samples for testing to one of the laboratories accredited to it.*

(v) *The said laboratory shall test the samples on all relevant parameters to determine whether the samples are roasted areca nuts.*

(vi) *Such testing shall also be undertaken for purposes of determining whether the areca nuts are fit for human consumption.*

(vii) *The report of the laboratory shall be communicated to this Court by the FSSAI on or before 15.04.2026.”*

8. The learned Senior Standing Counsel for the respondents would further submit that certain guidelines are issued for re-testing which *inter alia* would include that if the sample is drawn for the purpose of re-testing, that should be marked as “immediate” and the re-testing should be in compliance with Clause



2(d) of the Circular No.30/2017-Cus., dated 18.07.2017 viz., that re-test should be made only on the remnants of the samples originally tested or on duplicate representative sealed samples in the custody of the customs and if fresh samples have to be drawn, such sampling should be done in the presence of the importer or his representative / customs broker.

9. The learned Senior Counsel for the petitioner would submit that the remnants of the samples originally tested or on duplicate representative sealed samples would be drawn in their presence and the same may be sent for re-testing, subject to the conditions which has been extracted above. Agreed to by learned counsel for respondents.

10. Recording the above submissions, this Writ Petition is disposed of.

No costs.

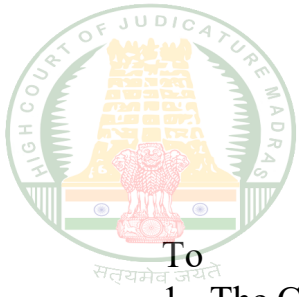
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Index: Yes/No

Speaking/Non-speaking order

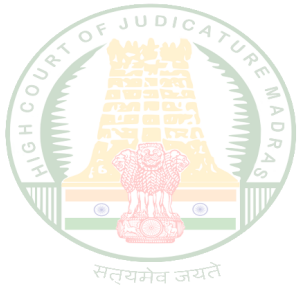
Neutral Citation: Yes/No

GSK



To

1. The Commissioner Of Customs
Chennai Import Commissionerate, Custom
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 Custom
Group-1b, Office Of The Commissioner Of
Customs, Chennai Import Commissionerate,
Customs House, No.60, Rajaji Salai,
Chennai-600 001



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MOHAMMED SHAFFIQ J.

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