IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8289 OF 2026

Indu Shekhar .. Petitioner

Versus

Union of India and Ors. .. Respondents

Mr. D.B. Shroff, Senior Advocate*, with Mr. Brijesh Pathak, for the Petitioner.*

Mr. Jitendra B. Mishra*, with Ms. Sangeeta Yadav & Mr. Ashutosh Misra, for Respondent Nos. 1, 3.*

CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.

DATE: AUGUST 6, 2026

P. C.

1. The above Writ Petition is filed seeking the following reliefs:-

> *"a. that this Hon'ble Court may be pleased to hold and declare that the test reports furnished by CRCL/DYCC/any other laboratory is unlawful, which deserves to be rejected, as the powers exercised by officers of the Customs, in drawing the samples and sending the same for testing, are over reaching power, disregarding the Notification and Instructions of the CBIC (amended from time to time), this Hon'ble High Court may be pleased to direct the Respondent No.2 to allow Authorized Officer appointed under the FSSAI to comply with the guidelines framed under the Import Policy, FSS Act and CBIC Instructions for conducting inspection, drawing samples and issuing report, as framed in relation to food articles;*

b. that this Hon'ble Court may be pleased to issue Writ of Mandamus or any other appropriate writs, orders or directions under Article 226 of the Constitution of India, directing Respondent No.2 to produce records and proceedings relating to detention and holding of goods: Roasted Areca Nuts, covered by Bill of Entry Nos. 8907035 and 8907059, both dated 26.04.2026, Bill of Entry No. 9051351 dated 04.05.2026, Bill of Entry No. 9112631 dated 07.05.2026, Bill of Entry Nos. 9171158 and 9171143, 9171162, 9171093, all dated 10.05.2026, Bill of Entry Nos. 9353088, 9352288, 9352467, 9352967, 9353821, 9354090, 9354172 and 9354610 all dated 19.05.2026, and after considering the validity, legality and propriety of such detention, be pleased to pass appropriate orders, directing the Respondent No.2 to unconditionally release the goods to the Petitioner in the interest of justice;

c. to issue Writ of Mandamus or any other appropriate writs, orders or directions under Article 226 of the Constitution of India ordering and directing the officers of the Respondents and their subordinates, servants and agents including Filed Formations of Customs and also other field formations viz Customs and Central Taxes, all Director Generals under CBIC, to comply with the mandate of Food Safety and Standards (Import) Regulations, 2017, FSSAI Notification File No. 1-1715/FSSAI/Imports/2017 dated 09.10.2019, FSSAI Notification, DGFT Notification No. 57/2015-2020, dated 10.02.2021, and Instructions No. 1/2020-Customs, dated 12.02.2024 as amended from time to time, in relation to all consignments relating to article of foods including Roasted Areca Nuts imported and to be imported by the Petitioner;

d. to issue a Writ of Mandamus or any other writ, order or direction under Article 226 of the Constitution of India calling for the records pertaining to the Petitioner's case and after going into the validity and legality of the direction issued for withholding of the goods, direct the Respondent No.2 to issue Certificate for waiver of demurrage and other charges in terms of Rule 6(1) of Handling of Cargo in Customs Area Regulations 2009, which were detained;"

2. Mr. Shroff, the learned Senior Counsel appearing for the Petitioner, stated that as far as reliefs contained in prayer clauses (a), (b) and (d) are concerned, the same have worked themselves out. He, however, submitted that as far as prayer clause (c) is concerned, the same is a very important issue and a recurring one, and once and for all this Court ought to give its authoritative pronouncement on the said issue.

3. Basically, the issue is whether, when food items are imported into the country, the sample that is drawn should be drawn by authorised officers appointed by FSSAI and thereafter sent to the laboratories which are approved by the FSSAI, or whether the Customs Officers, even prior to the samples having been drawn by the FSSAI, draw a sample and send it to their own laboratory, namely, the Central Revenues Control Laboratory (for short "**CRCL**").

4. Mr. Shroff submitted that in many cases the Customs Officers draw the samples and send them to CRCL, and more often than not, the Petitioner thereafter has come to Court [like in the present case], and thereafter the goods are cleared once representations are made that the report of the CRCL is incorrect. To obviate this problem going ahead, it is the submission of Mr. Shroff that when any food item is imported into the country, it should be the authorised officer of FSSAI who should draw the sample and thereafter send it for testing to its approved laboratory so that this problem does not keep recurring.

5. After hearing the parties, we find that this issue is a recurring one. Though in the facts of the present case prayer clauses (a), (b) and (d) have worked themselves out, we issue **Rule** in the above Writ Petition only in relation to prayer clause (c).

6. Considering the relief sought in prayer clause (c) of the Petition, the Revenue shall file its Affidavit in Reply articulating to us as to what is their stand on the arguments canvassed by Mr. Shroff as recorded by us earlier.

7. The Affidavit in Reply shall be filed on or before 3rd September 2026, and a copy of the same shall be served on the Advocate for the Petitioner. If the Petitioner wants to file any Affidavit in Rejoinder, they are free to do so by 10th September 2026.

8. We now place the above Writ Petition for hearing and final disposal on 17th September 2026.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.] **[B. P. COLABAWALLA, J.]**

Darshan Patil