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**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 2567 of 2026**

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M/S. R R EXPORTS THROUGH PARTNER MR. YOGESH J JOSHI  
Versus  
THE UNION OF INDIA & ORS.

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**Appearance:**

MR SHEGUN B CHOKSHI(12790) for the Petitioner(s) No. 1  
MR SP MAJMUDAR(3456) for the Petitioner(s) No. 1  
MAUNIL G YAJNIK(9346) for the Respondent(s) No. 2  
NIDHI T VYAS(7772) for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA**  
and  
**HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

**Date : 26/02/2026**

**ORAL ORDER**  
**(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. The petitioner is a 100% export-oriented unit located in Kandla Special Economic Zone since the Financial Year 2015-16 and engaged in authorized manufacturing operations under the Special Economic Zones Act, 2005 (hereinafter to be referred as 'SEZ Act, 2005'). The petitioner's unit manufactures Pan Masala from its unit.
2. The petitioner has approached this Court as it has been asked to register itself under the Health Security Se National Security Cess Act, 2025 (hereinafter to be referred as 'HSSNSC, Act, 2025').
3. Learned advocate Mr.S.P.Majmudar appearing for the petitioner, at the outset, has pointed out the definition of "Pan Masala". He has referred to definition of 2(j) of HSSNSC Act, 2025, which mentions "Pan Masala" falling under tariff item 2106 90 20 of the First Schedule to the Customs Tariff Act, 1975. In this regard, he has referred to the provisions of



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Section 26 of the SEZ Act, 2005, which categorically exempt the provisions of the Customs Act, 1962 to the entities of the Special Economic Zone. Further, he has referred to the provisions of Section 51 of the SEZ Act, 2005, which has an overriding effect on any other law for the time being in force or any instrument having effect by virtue of any law other than this Act. It is submitted that the respondents cannot impose the provisions of the HSSNSC, Act, 2025. Thus, it is submitted that the respondents may be accordingly directed.

4. Per contra, at this stage, Ms.Nidhi Vyas, learned senior standing counsel for respondent No.1, has pointed out the provision of Section 3 of the HSSNSC Act, 2025, which falls under Chapter-II, specifies about the "Taxable Person". She has also referred to the "Taxable Person", who manufactures the specific goods specified in Schedule-I of the HSSNSC Act, 2025.

5. *Prima facie*, we find merit in the submissions advanced by the learned advocate for the petitioner. Hence, issue Notice making it returnable on 02.04.2026. Learned senior standing counsel waives service of notice for and on behalf of respondent No.1.

6. Meanwhile, there shall be ad-interim relief, in terms of Paragrah No.10(B).

**(A. S. SUPEHIA, J)**

**(PRANAV TRIVEDI,J)**

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