

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 7706 of 2026**

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HILOTEX INTERNATIONAL PVT LTD**Versus****UNION OF INDIA & ORS.**

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Appearance:**MR.ANANDODAYA S MISHRA with MR. MAYUR PUNJABI with
MS. DHWANI TANDON for the Petitioner(s) No. 1****MR ANKIT SHAH(6371) for the Respondent(s) No. 1,2,3**

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CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA**and****HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI****Date : 15/06/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.S. SUPEHIA)**

1. After hearing the learned advocates appearing for the respective parties, when this Court started dictating the order, learned Senior Advocate Mr.Mihir Joshi assisted by learned advocate Mr. Aadit R. Sanjanwala, have vehemently submitted that, they have filed the Civil Application No.1 of 2026 on behalf of one Shree Durga Syntex Pvt. Ltd. and the same may be listed today, and they may also be heard.

2. On an inquiry made from the Court Master about the non-



circulation of the Civil Application filed by Shree Durga Syntex Pvt. Ltd., the status was shown that the Civil Application as on 15.06.2026 at 11:20 a.m. is under office objections. It is noted by us that, the writ-petition was filed by the petitioner, presented on 26.05.2026 before the Vacation Bench and Notice was issued by the learned Single Judge assigned such roster, on 29.05.2026. Thereafter, the matter was adjourned to 01.06.2026 and further on 02.06.2026 and lastly on 04.06.2026.

3. On 04.06.2026, the following order was passed, which reads thus:

“Heard learned advocate Mr.Anandodaya Mishra with learned advocate Mr.Mayur Punjabi with learned advocate Mr.Hiteashi Desai with learned advocate Ms.Dhwani Tandon appearing for the petitioner and learned advocate Mr.Parth Mehta for learned advocate Mr.Ankit Shah appearing for the respondent nos.1 and 2.

At the request of the learned advocates appearing for the petitioners, stand over to 08.06.2026. To be listed on top of the board.”

4. Thereafter, the matter was listed on 08.06.2026. Thus, no efforts were made on behalf of Shree Durga Syntex Pvt. Ltd. - the applicant for getting the Civil Application circulated. It is noticed from the case status that the Civil Application is filed on 08.06.2026, and when the Court was about to allow the writ-petition, in view of the uncontroverted facts, and fair stand taken by learned Senior Standing Counsel Mr.Ankit Shah appearing for



the respondents, a vehement objection has been taken by learned Senior Advocate Mr.Joshi appearing for Shree Durga Syntex Pvt. Ltd., that they should be heard before passing the final order.

5. We grant a fair opportunity to the learned advocate Mr.Sanjanwala to verify from his Clerk, whether the office objections are removed or not, and on instructions he has made a categorical positive statement before us that all the office objections are removed.

6. Under the circumstances, we direct the Registry to place the papers of Civil Application No.1 of 2026 before us, forthwith, in order to verify whether the office objections are removed or not.

(A. S. SUPEHIA, J)

(VAIBHAVI D. NANAVATI,J)

: **FURTHER ORDER** :

7. After the aforementioned order was dictated, the actual file of the Civil Application has been produced by the Registry and we find that the office objections are still not removed. The Registry has pointed out that in the second set, even the advocate for the applicant has not put his signature, whereas, in the first set, true copy on Page 147A and 147FB has not been



carried out. When these facts were pointed out to learned Senior Advocate Mr.Mihir Joshi, he has submitted that Mr.Aadit R. Sanjanwala, was under the impression that all the office objections were removed as per the case status. He has further tendered apology for making an incorrect statement of removal of all office objections in the Civil Application.

8. Thus, as recorded by us in the earlier order, after giving a fair opportunity of verification to the learned advocates appearing on behalf of the applicant – Shree Durga Syntex Pvt. Ltd., to verify as to whether the office objections were removed or not, such statement is found to be incorrect to the record. We were willing to take stringent action for making an incorrect and false statement before this Court, however, it appears that due to inadvertence, the Clerk of the learned advocate Mr.Sanjanwala, has not removed the office objections and the Civil Application was not circulated. No efforts are made to get the Civil Application filed promptly and getting it listed. Thus, we deny the circulation and listing of the Civil application.

9. As far as the merit of the matter is concerned, the facts which are not disputed are that the Ministry of Chemicals and Fertilizers had initially issued the Polyester Continuous Filament Fully Drawn Yarn (Quality Control) Order, 2023 on 17.07.2023 under the Bureau of Indian Standards Act, 2016. Owing to severe industry-wide supply disruptions, escalation in raw material



prices and operational hardship faced by downstream textile manufacturers, the Central Government, acting upon recommendations of a high-level committee constituted under the aegis of NITI Aayog, rescinded the Quality Control Order, vide Notification dated 12.11.2025, thereby creating a lawful "BIS-Free" regime. During the subsistence of the said regime, the Petitioner *bona fide* entered into commercial contracts with overseas suppliers and placed 39 purchase orders between 13.11.2025 and 07.04.2026.

10. Pursuant thereto, substantial advance remittances were made through international banking channels between 19.11.2025 and 27.04.2026. Consequent thereto, overseas suppliers dispatched 24 shipments comprising 64 cargo containers. Out of the said shipments, 20 shipments comprising 53 containers were covered by Bills of Lading issued between 16.04.2026 and 04.05.2026 i.e. prior to the interim order dated 04.05.2026. The remaining 4 shipments comprising 11 containers were also dispatched pursuant to the same concluded commercial transactions, though the Bills of Lading in respect thereof came to be issued shortly thereafter between 11.05.2026 and 18.05.2026.

11. It appears that thereafter, this Court vide interim order dated 04.05.2026 in Special Civil Application No.6660 of 2026 stayed the operation of the rescission notification dated 12.11.2025.



12. Despite the petitioner's transactions having already crystallized during the subsistence of the BIS-Free regime and despite issuance of Bills of Lading prior to the interim order in respect of 53 containers, the respondent authorities have withheld clearance of the consignments by retrospectively applying the interim order and insisting upon BIS certification.

13. As we have recorded that, learned Senior Standing Counsel Mr. Ankit Shah appearing for the respondent – Central authorities is unable to controvert that the issue raised in the present petition is covered by the decision of this Court and Supreme Court. He is also unable to controvert about the statement made in Paragraph Nos. 9.16, 9.19 and 9.26, which are as under:

“9.16 Those certain domestic spinners / manufacturers aggrieved by the loss of their inflated domestic pricing, filed a writ petition before this Court bearing SCA No.6660 of 2026 purely to restore their commercial interests at the expense of the wider industrial public interest.

9.19 That pursuant to the aforesaid concluded commercial transactions, the overseas suppliers packed, loaded and dispatched 24 shipments comprising 64 cargo containers, in respect whereof, 20 shipments comprising 53 containers, in respect whereof Bills of Lading were issued between 16.04.2026 and 04.05.2026; and 4 shipments comprising 11 containers, in respect whereof Bills of Lading were issued between 11.05.2026 and 18.05.2026 and are in transit. The specimen copies of Bill of lading between 16.04.2026 and 18.05.2026 is annexed hereto and marked as Annexure-K (Colly). (Different dates).

9.26 That pursuant to the interim order dated 04.05.2026 passed in SCA No.6660 of 2026, Respondent No.2 and



Respondent No.3, viz. the Customs Authorities at Hazira Port and Nava Sheva Port (JNPT), have arbitrarily and erroneously interpreted the said order and have consequently withheld clearance of the petitioner's consignments by insisting upon BIS certification and placing the live cargo containers under hold. The screenshots downloaded from the ICEGATE portal evidencing such withholding are annexed hereto and marked as Annexure-N1 & Annexure-N2 respectively.”

14. Thus, despite the issuance of Bills of Lading prior to the interim order in respect of 53 containers, the Respondents have withheld clearance of the consignments by applying the interim order dated 04.05.2026 retrospectively passed in Special Civil Application No.6660 of 2026 in case of other goods. It is also not disputed that, similar order passed by the learned Single Judge pertaining to other goods, in Special Civil Application No.16973 of 2025 was challenged before the Division Bench by way of Letters Patent Appeal No. 419 of 2026, has been set aside by the Division Bench. The respondents have, thus, acted arbitrary in applying the interim order dated 04.05.2025 staying the operation of the Notification dated 12.11.2025 with respect to Bills of Lading during the subsistence of the Notification dated 12.11.2025, which was BIS free regime. The customs authority could not have insisted upon BIS certification by placing the cargo on hold by applying the interim order passed by this Court.



15. Hence, the writ petition succeeds in terms of prayer clause-13(a). Learned advocate for the petitioner does not press the prayer clause 13(b). The present petition is *allowed*.

(A. S. SUPEHIA, J)

(VAIBHAVI D. NANAVATI, J)

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