IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP No.17983 of 2025 (O&M)
DATE OF DECISION : 17th AUGUST, 2026

M/s. Prenda Creations Pvt. Ltd. Ludhiana
….Petitioner

Versus

Union of India & others
…. Respondents

CWP No.14871 of 2026 (O&M)

M/s. Prenda Creations Pvt. Ltd. Ludhiana
….Petitioner

Versus

Union of India & others
…. Respondents

CWP No.28682 of 2024 (O&M)

M/s. Prenda Creations Pvt. Ltd. Ludhiana
….Petitioner

Versus

Union of India & others
…. Respondents

CORAM : HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ROHIT KAPOOR

* * * *

Present : Mr. Saurabh Kapoor, Advocate;
Ms. Muskan Gupta, Advocate;
Ms. Tanya Kumar, Advocate
Mr. Vivek Sharma, Advocate
for the petitioner-M/s. Prenda Creations Pvt. Ltd.

Mr. Sourabh Goel, Sr. Standing Counsel, CBIC/UOI with
Ms. Himanshi Gautam, Advocate &
Ms. Drishti Saraf, Advocate
for respondents No.1, 2 & 4 in CWP-14871-2026;
for appellant in CUSAP-44-2026;
for respondents No.1-4 & 7 in CWP-28628-2024;
for respondents No.1, 2, 4 & 5-Custom in CWP-17983-2025;
also for respondents No.7 & 8-CRCL in CWP-17983-2025.

Mr. Yudhveer Advocate for
Mr. Praveen Moudgil, Advocate for FSSAI
respondent No.6 in CWP-17983-2025 &
respondent No.5 in CWP-28682-2024.

Mr. Jaivir S. Chandail, Advocate &
Mr. Amandeep Chauhan, Advocate
for respondent No.12 in CWP-17983-2025.

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ASHWANI KUMAR MISHRA, ACJ. (Oral)

1. These petitions, although are instituted seeking different reliefs, but in essence, the prayer in all these petitions is for release of imported roasted areca nuts. For brevity, the facts are being taken from CWP-17983-2025.

2. According to the petitioner-Company, the import of roasted areca nuts has taken place from Indonesia and the petitioner is willing to pay the Customs duty which is payable on it. The respondents, however, have taken the decision that the produce imported is not the 'roasted' areca nuts, rather its 'dried' areca nuts, which involves a different rate of duty. It is on account of this dispute that the imported goods are lying in the Customs bonded warehouse from November, 2024 onwards. The basis of the claim of the respondents is the test report obtained from the Central Revenue Control Laboratory, New Delhi, which is contained in Annexure P-2. The test report, for ready reference, is reproduced hereunder:

"1. Lab No: **CRCL/Food/08/4783(I)/dated: 17.01.2025** **Report date:03.02.2025**
2. **Test Memo No**: 1255337 **Dated: 15.01.2025**
3. **B/E No**: 7252907 **Dated :15.12.2025**
4. **Name Contac information of customer:** Superintendent CFS, OWPL, Ludhiana
5. **Description of sample:** Roasted Areca Nuts

Report: The sample as received is in the form of brown coloured hard split nuts of irregular sizes and shapes, some nuts are partially burnt having smoky odor. It has the characteristics of Betel nut/Areca nut as per Regulation No.2.3.55 of Food Safety & Standards Regulation 2011 and IS 16962:2018. It is having following constants.

Sr. No.	Parameters	Test Method	Result
1.	Moisture % by mass	AOAC 934.06/fssai manual-dried fruits and vegetables-.20.1	2.37
2.	Damaged Nuts % (damaged nuts include blemish or craked nuts, broken nuts, nuts not fully dehusked & those the pithy of which is black (% by mass)	FSSAI Manual/IS:16962 (Clause 3.5):2018	Nil

3.	Damaged by moulds & insects (% by mass)		9.97
4.	Total Ash (% by mass)	FSSAI Manual 2024	1.62
5.	Aerocoline	--	Present
6.	Total Aflatoxin (µg/kg)	CRCL/SOP/16/1:2020	BDL
7.	Salmonella	IS 5887 (P-III) (See 1):2020	Absent
8.	Listeria Monocytogenes	IS: 14988 (P-I):2020	Absent
9	Vibrio Cholerae	IS: 5884 (P-V): 1976	Absent

1) Based on the above tested parameter sample u/r has the characteristics of dried areca/betel nut as per FSSAI Regulation 2011 and IS 16962:2018.
2) The percentage of total aflatoxins exceed the limit as per FSSAI standard.
3) On the basis of physical appearance, the sample u/r may not be considered as roasted areca/betel nut."

3. The petitioner contends that the test report essentially relies upon standards laid down under the Food Safety Standards Regulations, 2011, under the FSSAI manual, which mandates such report to be given by the Laboratory within a period of five days in respect of the food items tested. It is urged that the laboratory has itself laid down a Standard Operating System (SOP) for testing roasted areca nuts, which is contained in Annexure P-33 of the lead case. The specification and test method for areca nuts are clearly mentioned in the SOP, which is reproduced hereunder:

SOP for Testing of Parameter for Arecanut	Issue Date: 02/12/2024	Copy No.
Central Revenues Control Laboratory, New Delhi	Issue No. 01	
Doc. No. CRCI/Arecanut	Rev. No.	Page 1 of 17
	Rev. Date:	

Specification & Test method for Areca Nut (Roasted/Dried/Raw/Scented)			
S.NO	**Parameter**	**Specification/Limit**	**Test Method**
1.	Physical Appearance	Raw/Dried/Roasted Areca Nut	White/Pale Brown/ Brown/Dark Brown Coloured
2.	Moisture (% by mass)	7.0% (Max)	AOAC 934.06/FSSAI Manual-Dried Fruits and Vegetables-.20.1
3.	Total Ash, (% by mass)	---	FSSAI Manual 2024
4.	Acid Insoluble Ash (% by mass)	---	FSSAI Manual
5.	Damaged Nuts % (damaged nuts include blemish or cracked nuts, broken nuts, nuts not fully dehusked & those the pith of which is black (% by mass)	12% (Max)	FSSAI Manual IS:16962 (Clause 3.5): 2018

6.	Damaged by moulds & insects (% by mass)	14% (Max)	
7.	Total Aflatoxin (µg/kg)	15 ug/kg (Max)	CRCL/SOP/16/1:2020
8.	Copper(Cu) (mg/kg)	30 mg/kg (Max)	AOAC 2015
9.	Cadmium (Cd) (mg/kg)	1.0 mg/kg (Max)	AOAC 2015
10.	Lead (Pb) (mg/kg)	2.5 mg/kg (Max)	AOAC 2015
11.	Tin (Sn) (mg/kg)	250 mg/kg (Max)	AOAC 2015
12.	Arsenic (As) (mg/kg)	1 mg/kg (Max)	AOAC 2015
13.	Mercury (Hg) (mg/kg)	1.0 mg/kg (Max)	AOAC 2015
14.	Total Plate Count (CFU/g)	10^5 CFU/g	IS: 5402(P-I):2021
14 a.	E. coli	Should be absent/25g	IS 5887 (P-I):1976
15.	Yeast & Mould Count	10^4 CFU/g	IS:5403:1999
16.	Salmonella	Should be absent/25g	IS 5887(P-III) (Sec 1):2020
17.	Listeria Monocytogenes	Should be absent/g	IS: 14988(P-I):2020
18.	S.aureus	10^2 CFU/g	IS 5887(P-II): 1976
19.	Enterobacteriaceae	10^3 CFU/g	ISO: 21528:2017 (Part –II)
20.	Vibrio Cholerae	Should be absent/25g	IS: 5887 (P-V): 1976
21.	Menthol	To be presented in scented supari	---
22.	Arecoline	To be present	---

Note:

(i) Sr.No 1 to 6 and 21 & 22 parameters tested when the query in test memo is whether the sample is roasted/dried/raw/scented.

(ii) Sr.No 7 to 20 Parameters are tested when the query in test memo is whether the sample is fit for human consumption.

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Issued By
Chemical Examiner Gr-I

Approved by
Director (RL)"

4. When the test report relied upon by the respondent is examined on the touchstone of parameters laid down in the SOP, what is evident is that the conclusion of the laboratory that the sample of roasted areca nuts is actually not 'roasted' areca nuts, and rather 'dried' areca nuts, is based on the physical appearance of the product, and not any other scientific parameters determined for identifying the product as such.

5. Our attention has been invited to various documents and the affidavits of the respondents, which would go to show that on the basis of

the physical appearance of the sample, its colour is found to be brown, which is usually the colour of roasted areca nuts. In addition to the test report extracted above, there are other reports, most of which are ultimately about the sample being dried areca nuts based upon the physical appearance of the sample itself. It is, therefore, submitted on behalf of the petitioner that such reports cannot justify the detainment of imported goods for years together, as it has already caused grave hardship for the petitioner. The petitioner further relied upon the provisions of relevant regulations framed under the Food Safety Standards (Import) Regulations, 2017, as per which such test sample reports ought to have been furnished by the laboratory within five days. In the present case the reports have been provided nearly after a month.

6. Our attention has also been invited to the affidavit filed by the respondent, which was in respect of four consignments wherein the Customs authorities have released the goods on furnishing of personal bond. The stand taken in the affidavit by the concerned respondent is extracted hereinbelow:

> *"The above Bill of Entry were assessed on provisional basis under PD Bond as the verification report of COO document was awaited and all the three Bill of Entry were given Out of Charge."*

7. Though the arguments have been advanced at length on behalf of both the parties, however, we are of the view that such issues do not require our attention at this stage, inasmuch as the classification of the produce imported is yet to be finally determined in appropriate proceedings. Show-cause notices have already been issued to the petitioner, and the question as to what would be the import duty payable by the petitioner, would be determined in such proceedings. Any

observation by us on the merits of the case of either of the parties may cause prejudice to such proceedings and, therefore, we refrain ourselves from expressing any opinion on it at this stage.

8. Considering the fact that the petitioner has been engaged in import of such products for the last several years and the respondents themselves have released four consignments on furnishing of personal bond, we are of the view that all the consignments of roasted areca nuts ought to be released on similar terms.

9. We may also take into consideration the stand of the revenue that the four consignments of areca nuts were released on personal bond, only because the issue therein was with regard to determination of country of origin, and the factum of imported goods being roasted areca nut not being disputed, deserves to be mentioned. We, however, find that in its reports, both in respect of the four consignments which have been released on personal bond and the other consignment, are similar inasmuch as the moisture content, which is the major determinative factor of the product in all such matters, is below 7%, which is within the permissible limit of moisture. The petitioner otherwise has placed on record the test report of a private laboratory as per which all the imported consignments are determined to be roasted areca nuts. The specific assertion made in para 26 of the writ petition, in this regard, remains unrebutted. In such circumstances we are of the view that when the report of Central Revenue Control Laboratory has based its conclusion only on physical appearance and not on any other scientific parameter, it would not be appropriate to allow the respondents to withhold the release

of goods for years together, or call upon the petitioner to release such goods only on furnishing of bank guarantee.

10. In such view of the matter, we ***allow*** these petitions with a direction upon the respondents concerned to release the imported consignment of roasted areca nuts forthwith on the petitioner's furnishing of personal bond. The release of the goods, however, would remain subject to the appropriate proceedings which have been initiated in respect of determination of the customs duty to be paid by the petitioner, in accordance with law.

11. On furnishing of such personal bond, the physical delivery of goods which are declared to be fit for consumption, would be ensured within a fortnight. So far as the two consignments which have been found to be roasted areca nuts by the respondents themselves and have been withheld for eight months are concerned, the too shall be released physically in accordance with law. After release of the goods as aforesaid, the petitioner undertakes to submit reply to the show-cause notice within a period of four weeks, whereafter the respondents shall fix a specific date for hearing, and would be at liberty to pass appropriate orders in accordance with law.

12. The pending application(s), if any, shall also stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
ACTING CHIEF JUSTICE

17th August, 2026
'raj'

(ROHIT KAPOOR)
JUDGE

Whether speaking/reasoned: Yes No

Whether Reportable: Yes No

RAJ KUMAR
2026.08.21 13:54
I attest to the accuracy and integrity of this document