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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 11150/2025 & CM APPL. 45784/2025**

**M/S PRADEEP INDUSTRIES & ORS.**

.....Petitioners

Through: Mr. Govind Krishna Dixit, Mr. Shubhankar Jha, Ms. Anasua Chakravarti, & Ms. Amrita, Advs.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. Nitinjya Chaudhry, SPC with Mr. Rahul Mourya, Ms. Kashish Chopra, Ms. Vidhi Gupta GP & Mr. Kultar Chandel, Advs.

Ms. Suruchi Mittal, SPC for UOI

Mr. Nitinjya chaudhry, SPC with Mr. Rahul Mourya, Mr. Kultar Chandel & Ms. Kashish Chopra, Advs.

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AND

+ **W.P.(C) 13522/2025& CM APPL. 55474/2025**

**SWASTIK OVERSEAS & ORS.**

.....Petitioners

Through: Mr. Govind Krishna Dixit, Mr. Shubhankar Jha, Ms. Anasua Chakravarti, & Ms. Amrita, Advs.

versus

**UNION OF INDIA & ORS.**

.....Respondents

Through: Mr. Avtaar Singh Deol, SPC for UOI

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**JUSTICE SHAIL JAIN**



## **ORDER**

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**11.09.2025**

1. This hearing has been done through hybrid mode.

**CM APPL. 55475/2025 (for exemption)**

2. Allowed, subject to all just exceptions. The application is disposed of.

**W.P.(C) 11150/2025 & CM APPL. 45784/2025**

**W.P.(C) 13522/2025 & CM APPL. 55474/2025**

3. These petitions have been filed, *inter alia*, seeking clearance of respective subject consignments declared as “*Designer and Decorative Coil for Wall Panel*” and classified under Customs Tariff Heading 73269060, which have been imported by the Petitioners from China. The subject consignments imported through Inland Container Depot, Port Dadari (hereinafter “*ICD, Dadari*”) have been seized by the Directorate of Revenue Intelligence, Noida Regional Unit.

4. The Court has heard the parties on several dates in ***W.P.(C) 11150/2025*** which was first listed on 30th July, 2025 on which date notice was issued to the various Respondents. The relevant portion of the order dated 30th July, 2025 reads as under:

*“4. The brief background of the present case is that the Petitioners had imported certain designer and decorative stainless steel coils for wall panelling, under various bills of entry at the Inland Container Depot Port at Dadri. The said import was effected under CTH 73269060 wherein the Basic Custom Duty (hereinafter ‘BCD’) prescribed is at 15%.*

*5. The goods of the Petitioners were kept on hold and, thereafter seized by Directorate of Revenue Intelligence (hereinafter ‘DRI’) Regional Unit Noida*



*vide the impugned seizure memos on the ground that the goods were misdeclared under the above said classification. As per the DRI, the goods fall under CTH 72193520 which requires a BIS certification before they can be imported. The panchnama was drawn on 23rd May, 2025, 4th June, 2025 and 3rd July, 2025. The three Petitioners had filed 17 bills of entry, 3 bills of entry and 8 bills of entry respectively. Though, the seizure was effected, no seizure document had been issued to the Petitioners except for Petitioner No.2- Amaira Metals LLP, till date and only the panchnama was given. The Petitioners made various representations to the Customs Authorities at Dadri as also to the Board and the DRI for clarification, however, there has been no response.*

*6. The prayer in this petition is for setting aside of the seizure memo and the panchnamas dated 23rd May, 2025, 4th June, 2025 and 3rd July, 2025 at ICD Dadri under the Noida Customs Commissionerate. The submission of Mr. Govind Krishna Dixit, ld. Counsel appearing for the Petitioner is that similar goods, across the country, have been cleared regularly at various ports and details of the same are set out at page 21 of the petition. In the submission of the Petitioner, more than 376 such consignments have been cleared without any objection and without any requirement of BIS certification through IS 6911. It is also submitted on behalf of the Petitioner that the Steel Import Monitoring System operating under the Ministry of Steel has also not raised any objection in respect of import of these goods. Thus, the action of the DRI, Noida, according to the Petitioner, is contrary to the requirements under Notification 17/2015-2020 read with Trade Notice 10/2024-25 issued by the Directorate General of Foreign Trade. Mr. Dixit, ld. Counsel points out that even the Petitioner's own consignment with identical goods were cleared by ICD,*



*Dadari last month.”*

5. Further, after considering the above position and submissions of the Petitioners as also the objection to maintainability of the said writ petition, the Court had directed as under:

*“8. The petition primarily raises an issue of classification of the goods which are presently seized by the Customs Authorities in Noida. The issue raised in this case would require the CBIC to take a decision on the manner in which these goods are to be classified i.e., whether under CTH 73269060 or CTH 72193520. The Petitioner has made repeated representations but the same have not been responded to. Accordingly, let Mr. Harpreet Singh, ld. Counsel take instructions and file a short affidavit in this regard.*

*9. In the meantime, since all the goods are held up at the port, the prayer for provisional release of the same shall be considered by the Customs Noida, ICD Dadri and an order shall be passed within a week in accordance with law. The said authority is free to provisionally release the goods upon imposing such terms and conditions as it deems fit in accordance with law. The said order shall also be placed before this Court on the next date of hearing.*

*10. Let the copies of the Bills of Entry be given to Mr. Harpreet Singh, ld. Counsel.*

*11. The Petitioner shall also produce photographs of the product sought to be imported on the next date of hearing. It is clarified that the issues of maintainability raised by the Respondents are kept open.”*

6. The matter was, thereafter, heard on 14th August, 2025, on which date



the Court had directed as under:

*“4. The provisional release order is stated to have been passed on 12th August, 2025, wherein the prayer for release of the Petitioner’s goods by the Customs Authorities has been rejected.*

*5. Let the said order be placed on record. A senior official from both, the Directorate of Revenue Intelligence as also the Customs Department shall remain present in Court on the next date of hearing.”*

7. On the last date i.e., 26th August, 2025, the Id. Counsel for the Petitioner had submitted that similarly placed importers have been permitted to clear the identical goods at various ports. Reliance was also placed on a particular Bill of Entry dated 10th March, 2025 vide which the import of identical goods as by one importer was allowed. Considering the same, the Court had directed as under:

*“5. Today, this matter has been heard in part. One of the grievances raised by the Petitioners is that various other parties’ Bills of Entry have been permitted to be released from ICD, Dadri warehouse. One such Bill of Entry relied upon is of one M/s Ankit Impex, A-34, Wazirpur Industrial Area, Delhi which had submitted a Bill of Entry dated 10th March, 2025 where the description of the goods is as under:*

*“Designer & Decorative Coil for Wall Panel (7326)”*

*6. A perusal of the Chartered Engineer’s report in the present case which forms the basis of the order not to grant provisional release also shows that the goods are described as ‘Designer and decorative coil for wall panels’. However, the Engineer decided to describe the goods as ‘Flat Rolled stainless steel cold rolled coils:*



*2B Finish having a thickness of 0.26 mm, width exceeding 600 mm and to be with grade J3. On this basis, the DRI has chosen to re-classify the goods under the heading CTH 72193520 whereas the Petitioner has classified the same as CTH 73269060.*

*7. The Customs duty payable by the Petitioner as per its own classification is at the rate 15% whereas the duty payable on the basis of the classification given by the Customs is 7.5%. However, in the present case, it requires a Bureau of Indian Standards (BIS) Certification.*

*8. Heard. Let the Customs Department clarify as to what were the goods which were imported under Bill of Entry No. SZXCB25017665 dated 10th March, 2025. If the images of the goods are available, the same shall be brought on the next date of hearing.”*

8. The subject goods imported by the Petitioners in ***W.P.(C) 13522/2025*** have also been categorised as “*Designer and Decorative Coil for Wall Panel*”. Since, the subject goods are identical in the two petitions the same have been taken up for hearing together today.

9. The Court has perused the documents on record. The DRI has seized these subject consignments and it is seen that the rationale behind the seizure is that the Petitioners have changed the Customs Tariff Heading under which the subject goods are being imported into India. The correct classification as per the DRI is CTH 72193520. But, the Petitioners have classified it under CTH 73269060.

10. The allegation of the DRI is that the Petitioners are indulging in wrong classification only to avoid BIS certification even though the said classification requires payment of higher duty. Thus the stand of DRI is that the Petitioners



are choosing to pay higher duty only to avoid obtaining BIS certification.

11. In terms of the last order dated 26th August, 2025, in ***W.P.(C) 11150/2025*** the Customs Department was directed to clarify the nature of the goods imported and cleared in respect of the similarly placed importer - M/s Ankit Impex mentioned by the Petitioners. Today, Mr. Harpreet Singh, Id. SSC has obtained a clarification and has placed before the Court communication dated 02<sup>nd</sup> September, 2025 issued by the Deputy Commissioner (Legal), Customs, NOIDA, as per which the goods under the said bill of entry of M/s Ankit Impex have been cleared. Mr. Harpreet Singh, Id. Counsel however clarifies that later consignments of M/s. Ankit Impex have not been released.

12. The photographs attached thereto have also been perused. In the opinion of this Court, the goods cleared in respect of M/s Ankit Impex are clearly of the same description as that of the Petitioners. The clearing of the consignments of one importer and non-clearance of others would be discriminatory. Moreover, the consignments have been detained for a long period resulting in substantial demurrage to the Petitioners.

13. In view thereof, the provisional release of all the subject consignments imported by the Petitioners is permitted, subject to payment of the applicable Customs Duty and all other charges within a period of two weeks from today.

14. Further, it would be pertinent to note that in ***W.P.(C) 13855/2025*** titled ***“Vindhya Telelinks Limited & Ors. Vs. Union of India & Ors.”*** wherein the Petitioners had imported Electro Chrome Coated Steel (ECCS) Tape which were also not cleared by the Ministry of Steel, the Court had directed a Senior Official of the Ministry of Steel to appear and explain the rationale behind the seizure and non-release of these consignments.

15. The said matter was listed today and Mr. Abhijit Narendra, the Joint



Secretary of Ministry of Steel has appeared and made submissions. Mr. Narendran has explained that the purpose and rationale is to ensure that the quality of the steel imported is in compliance with the BIS standards, to promote domestic manufacturing of steel and reduce reliance on import of the same.

16. After hearing, Mr. Narendra, it is deemed appropriate to implead the Ministry of Steel in both of these matters as a Respondent No. 7. Further, considering the facts of the case the Bureau of Indian Standards (hereinafter “BIS”), would also be a necessary party, accordingly, the BIS is also impleaded as Respondent No. 8.

17. Mr. Dixit, Id. Counsel shall file an amended memo within one week.

18. In the opinion of this Court, the matter requires to be resolved at a policy level inasmuch as the submission of Mr. Dixit, Id. Counsel for the Petitioners is that in a majority of ports the subject consignments are being allowed to be cleared whereas in ICD, Dadri and in a couple of more ports, the consignments are not being cleared.

19. The clearing of consignments has to be consistent and uniform across the country. The Ministry of Steel and Central Board of Indirect Taxes and Customs (hereinafter “CBIC”) ought to take a policy level decision as to clearance of such consignments and the requirement of BIS certification or not.

20. Accordingly, let the CBIC hold a meeting with the Ministry of Steel, BIS, DRI as also at least 4 representatives of the Petitioner’s importers in these cases and place an affidavit on record on its stand as to whether these consignments ought to be released or not and if so, on what grounds.

21. The DRI, CBIC, BIS and the Ministry of Steel shall file an affidavit in respect of the actual correct classification of the goods in question.





22. List on 27<sup>th</sup> November, 2025.

**PRATHIBA M. SINGH, J.**

**SHAIL JAIN, J.**

**SEPTEMBER 11, 2025/pd/msh**