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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 4476 OF 2026

White Line International
a proprietorship concern of Ravi Doshi
having its address at 25/3,
Lakalala Building, Office No.67,
1st Floor, Kumbharwada,
Mumbai-400 004.

... Petitioner

Versus

1. Union of India
2. Ministry of Steel
3rd Floor, GPOA-3 Netaji Nagar,
New Delhi-110023
3. Jawaharlal Nehru Port Trust
Nhava Seva, Uran, Navi Mumbai
Navi Mumbai-400 707
4. Maersk Logistic & Services India Pvt. Ltd.
having its registered Office at Block Nos.5-18,
Sector-6, Dongiri Warehousing complex,
Navi Mumbai-400 707.
5. Namsung Shipping Company Limited
C/o. Oasis Shipping Private Limited
102, Technopolis Knowledge Park,
Mahakali Caves Road, Chakala, Andheri (W),
Mumbai-400 093.
6. Hind Terminal Private Limited
Survey No.170/1, Taluka Uran,
Chirner, Raigad, Maharashtra-410 206.

7. Deputy Commissioner of Customs Department
Old Custom House, Fort, Mumbai-400 001.

8. Assistant Commissioner of Customs
Jawaharlal Nehru Custom House,
Nhava Sheva, Taluka-Uran, District-Raigad,
Maharashtra-400 707.

... Respondents

Mr. Karl K. Shroff a/w. Ms. Shriya Mehta i/b Akshay Pawar for the
Petitioner.

Mr. Ram Ochani a/w. Ms. Sangeeta Yadav for Respondent No.1, 2 &
8.

Mr. Subhash A. Bhalwal a/w. Mr. Pritesh Haridas Bodekar i/b Vyas &
Bhalwal for Respondent No.3.

Mr. Kayush Zaiwalla a/w. Mrs. Apurva Pohonerkar Mehta and Mr.
Anuj Hande i/b ANB Legal for Respondent No.4.

Mr. Ram Jay Narayan for Respondent No.5.

CORAM : **M. S. KARNIK AND**
SANDESH D. PATIL, JJ.

DATED : **9th OCTOBER, 2026.**

JUDGMENT (PER M. S. KARNIK, J.)

1. This petition filed under Article 226 of the Constitution of
India seeks the following substantive reliefs:-

“(a) This Hon'ble court be pleased to issue Writ of
Certiorari or a Writ in the nature of Certiorari or any
other appropriate Writ Order or Directions calling for the
records papers and proceedings related to the Petitioner
case and after going into the legality and propriety
thereof to set aside or quash Order dated 10th August,

2026 annexed as “Exhibit-Q” hereinabove passed by the Respondent No. 1 and 2.

(b) This Hon'ble court be pleased to issue Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ Order or Directions directing Respondent No. 1 and 2 to enable the Petitioner to generate the Automatic Registration Number (“ARN”) on the SIMS Portal, thereby facilitating the clearance of the said consignments from the Port or alternatively to permit the Petitioner to import/clear the consignments without the Respondents insisting on any Quality Certificate under the QCO.

(c) This Hon'ble court be pleased to direct and order that Respondent Nos.3 to 6 waive the demurrage and clearance charges claimed from the Petitioner or alternatively direct Respondent Nos. 1 and 2 to bear the demurrage/clearance charges.”

2. The facts of the case in brief are that the petitioner is an importer of steel tubes and pipes under ITC HS Code 7304. Due to restrictions under the Bureau of Indian Standards Act, 2016, (for short ‘BIS Act’), respondent No.2-Ministry of Steel issued directions requiring a test certificate (QCO) under the Steel and Steel Products (Quality Control) Order 2020.

3. In brief, the challenge of the petitioner is to the impugned order dated 10th August, 2026, whereby respondent No.2 declined to

make available to the petitioner the benefit of Notifications dated 19th February, 2026 and 8th April, 2026.

4. Respondent No.2 vide Notification dated 19th February, 2026, prescribed a requirement for importers of steel products to obtain an Advance Registration Number (“ARN”) on the Steel Import Monitoring System (“SIMS”) not earlier than the 60th and not later than 3rd day before the expected arrival of the consignment. Condition No.4 of this Notification for obtaining ARN specifically provides the ARN generated will remain valid for 75 days. Vide Notification dated 8th April, 2026, respondent No.2 exempted the mandatory compliance with the QCO for steel imports covered by Bills of Lading having a “Shipped on Board” dated on or before 30th June, 2026. The petitioner had imported consignments from:-

(a) Thailand vide Bills of Lading dated 27th June, 2026 at Exhibit-J, Page 118 and Sr. No.1 and 2, Page 1 and 2 respectively of Convivence Compilation. All these bills of landing provided for shipped on board dated 27th June, 2026 i.e. prior to 30th June, 2026 in compliance with notification of 8th April, 2026.

(b) Ukraine vide Bill of Lading dated 26th May, 2026

with shipped on board dated 26th May, 2026 i.e. prior to 30th June, 2026 in compliance with notification of 8th April, 2026.

5. The tracking report for containers from Thailand showed the expected date of arrival 12th July, 2026. The tracking report for Ukraine consignment showed the expected date of arrival 27th July, 2026. In accordance with the above notifications, the petitioner applied for generation of ARN on 3rd July, 2026. The ARN could not be generated, though the application was within time under the above notifications. The petitioner therefore lodged complaint on Central Public Grievance Redress and Monitoring Systems (CPGRAMS) on 9th July, 2026 which was unsuccessful. The petitioner then filed an Appeal on CPGRAMS on 31st July, 2026 which culminated in the impugned order dated 10th August, 2026.

6. The submission of the learned counsel for the petitioner is that the refusal to permit the generation of ARN is contrary to the Ministry's own notifications which are not withdrawn till date. It is submitted that till the notification is withdrawn, the same would continue to operate. Learned counsel relied on a decision of the Hon'ble Supreme Court in Southern Petrochemical Industries Co.

Ltd. Vs. Electricity Inspector & ETIO & Ors., (2007) 5 SCC 447.

7. Learned counsel also relied upon the decision of Hon'ble Supreme Court in Bombay Chemical (P) Ltd. Vs. CCE (1995 Supp (2) SCC 646 in support of the proposition that one of the settled principles of construction of an exemption notification is that it strictly, but once goods is found to satisfy the test by which it falls in the exemption notification then it cannot be excluded from it by applying or construing such notification narrowly.

8. Learned counsel for the petitioner submitted that for the present no reliefs are claimed against respondent No.4 or respondent No.8. Therefore though respondent Nos.4 and 8 have filed the Affidavit-in-Replies we have not dealt with the same.

9. We have heard learned counsel Mr. Ochani for Respondent Nos.1,2 and 8 who opposed the petition. We have perused the pleadings and the materials on record. Mr. Ochani invited our attention to the affidavit-in-reply filed on behalf of respondent Nos.1, 2 and 8 to oppose the petition.

10. At the outset, it would be pertinent to extract the notification dated 19th February, 2026, issued by respondent No.2 prescribing a requirement for importers of steel products to obtain

ARN on the SIMS Portal not earlier than the 60th and not later than 3rd day before the expected arrival of the consignment. The Notification dated 19th February, 2026 reads thus:-

“No. S-21022/9/2025-TRADE-TAX(2)

Government of India

Ministry of Steel

Trade & Taxation Division

Udyog Bhawan, New Delhi

Dated the 19th February, 2026.

NOTICE

In supersession of this Ministry's Notice of even no. dated 13.06.2025, 04.08.2025 and 10.09.2025, the advance registration period to apply for registration on the Steel Import Monitoring System (SIMS) Portal for import of all steel products, except items covered under specific HS Codes of Heading 7204 of ITC (HS), 2022 and import from SEZ/EOU to DTA, will be as under:

Country	Period
Nepal, Bhutan and Sri Lanka	Not earlier than 60 th day and not later than 2 nd day before the expected date of arrival of import consignment
All Countries except Nepal, Bhutan and Sri Lanka	Not earlier than 60 th day and not later than 3 rd day before the expected date of arrival of import consignment

2. The advance registration period for import of items covered under specific HS codes of heading 7204 of ITC (HS), 2022 would be 'not earlier than 60th day and not later than 2nd day before the expected date of arrival of import consignment'.

3. Further, the advance registration period for import of items from SEZ/EOU to DTA would be 'not earlier than 60th day and not later than 2nd day before the expected date of arrival of import consignment.'
4. The Automatic Registration Number thus generated shall remain valid for a period of 75 days.
5. This will be effective from 20.02.2026.

(Deepak Kumar Sah)
Under Secretary to the Government of India
Tel: 26773360"

11. It would also be relevant to reproduce the notification dated 8th April, 2026, by which respondent No.2 exempted the mandatory compliance with the QCO for steel imports covered by Bills of Lading having a "Shipped on Board" date on or before 30th June, 2026. The same reads thus:-

"F.No. S-20011/15/2024-TECH-Part(2)
Ministry of Steel
Government of India
Technical Division

GPOA-3, Netaji Nagar, New Delhi
Dated : 08th April, 2026

ORDER

In continuation to this Ministry's Order of even number dated 20.11.2025 and in pursuance to the decision taken by the Competent Authority, the ITC-HS Codes mentioned in Annexure I are exempted from mandatory compliance of QCO issued by Government of India.

2. The mandatory adherence requirement of QCO for the aforesaid ITC-HS Codes shall be exempted for imports of steel products with Bill of lading having shipped on board dated on or before 30.06.2026.

(G. Sarathy Raja)
Deputy Secretary to the Government of India
Tel: 24155780
Email: g.sarathyraja@gov.in”

12. The respondents contend that successive exemptions from mandatory compliance with the Quality Control Order were granted upon representations from the trade seeking a grace period, by orders dated 6th October, 2025, 20th November, 2025 and 8th April, 2026, extending the exemption up to 30th June, 2026. Thus, according to Mr. Ochani the final cut-off date was expressly stipulated and notified nearly three months in advance, thereby providing the trade with an adequate transitional period. The contention of the respondents is that the exemption was confined to compliance with the Quality Control Order and did not dispense with the requirement of registration under SIMS. In terms of the Notice dated 19th February, 2026, an importer was required to obtain registration not earlier than 60 days and not later than three days before the expected arrival of the consignment, and the ARN so generated remained valid for 75 days. It is the stand of the

respondents that an importer seeking the benefit of the exemption was required to register under the Non-QCO import procedure while the transitional exemption subsisted.

13. It is not in dispute that the Bill of Lading so far as the Ukraine is concerned is dated 26th May, 2026 and the expected date of arrival was 26th July, 2026. In respect of the consignments from Thailand, the Bills of Lading were dated 27th June, 2026 and the expected date of arrival was 12th July, 2026. The respondents contend that registration was available for the Ukraine consignment for more than five weeks before the cut-off date and was also available for the Thailand consignments before the exemption expired. In the say of the respondents, the relevant purchase contracts were entered into after 8th April, 2026, when the final cut-off date had already been notified. It is submitted that the petitioner is not entitled to the benefit of the exemption notification as the petitioner did not register either of the consignments in question on or before 30th June, 2026.

14. The petitioner first approached the Portal on 3rd July, 2026. According to the respondents, the petitioner should have approached the Portal before the expiry of the transitional period.

This according to the respondents is the reason for denying the petitioner the benefit of exemption notification.

15. The Hon'ble Supreme Court in Southern Petrochemical Industries Co. Ltd. (supra) held that right of exemption granted by a valid notification gives rise to an accrued and vested right, and is not a mere concession defeasible by the Government. In a case where the right to exemption of tax for a fixed period has accrued and the conditions for exemption have also been fulfilled, the withdrawal of that exemption cannot affect the already accrued right, unless the statute provides otherwise. Till a notification is withdrawn, the same would continue to operate.

16. So far as the order dated 8th April, 2026 is concerned, the same clearly records that the goods are exempted from mandatory compliance of QCO issued by the Government of India. Clause 2 thereunder provides that the mandatory adherence requirement of QCO for the said goods shall be exempted for imports of steel products with Bill Lading having shipped on board dated on or before 30th June, 2026.

17. There is no dispute that the goods imported by the petitioner are entitled to the exemption provided they satisfy the test

therein. The goods fall under the category stipulated under the exemption notification. The notification cannot be construed narrowly. The exemption notification has to be construed broadly and widely.

18. The Hon'ble Supreme Court in the Bombay Chemical (P) Ltd. (supra) in paragraph 9 held thus:-

“9. Item No. 18 which was added in 1978 grants exemption to the categories of goods which can be classified as insecticides, pesticides, weedicides or fungicides. They have to be understood in broad sense. The reasoning of the Tribunal that if an expression is capable of a broader and a narrower meaning then it is the latter which could be preferred does not appear to be correct. Where entries are descriptive of category of goods they have certain characteristics. Therefore, when a question arises whether a particular good is covered in any category or not, it has to be examined if it satisfies the characteristic which go to make it a good of that category. And whether in trade circle it is understood as such and if it is a goods of technical nature then whether technically it falls in the one or the other category. Once it is found that a particular good satisfies the test then issue which arises for consideration is whether it should be construed broadly or narrowly. One of the settled principles of construction of an exemption notification is that it

should be construed strictly, but once a goods is found to satisfy the test by which it falls in the exemption notification then it cannot be excluded from it by resorting to applying or construing such notification narrowly. Item 18 is an exemption notification. As stated earlier, it mentions broad categories of goods which are entitled to exemption. Once a goods is found to fall even narrowly in any of these categories, there appears no justification to exclude it. The test of strict construction of exemption notification applies at the entry, that is, whether a particular goods is capable of falling in one or the other category but once it falls then the exemption notification has to be construed broadly and widely. Each of the words insecticides, pesticides, fungicides or weedicides are understood both in the technical and common parlance as having broad meaning. Therefore, if any goods or items satisfy the test of being covered in either of the expression, then it is entitled to exemption. The broad and basic characteristic for exemption under the notification is that the goods must have the property of killing germs and bacteria, insects or pest and it should be understood in the common parlance as well as being covered in one of the broad categories mentioned in the notification. Since the goods produced by the appellant are capable of killing bacteria and fungi which too, is covered in the expressions 'pesticide' and 'fungicide' there appears no reason to exclude the goods from the

aforesaid notification.”

(emphasis supplied)

19. Further, in the present case, it is seen that the goods which are exempted for imports from the requirement of QCO clearly indicates the Bill of Lading having shipped on board on or before 30th June, 2026. The Bill of lading having shipped on board is admittedly before 30th June, 2026.

20. The stand of the respondents that the ARN should have been generated before 30th June, 2026 for the exemption notification to apply is not at all supported by any of the provisions of the Customs Act or the conditions laid down in the notification for claiming exemption. The notification dated 19th February, 2026 only provides the requirement that the same should be not earlier than 60th day and not later than 3rd day before the expected date of arrival of import consignment. The ARN, thus generated is to remain valid for the period of 75 days. There is thus no justification at all for the respondents to impose the condition that the petitioner had to register the consignment in question on or before 30th June, 2026. The contention that the petitioner approached the Portal on 3rd July, 2026 after expiry of transitional period for denying the exemption is

completely unjustified.

21. No doubt, the decision in Commissioner of Customs (Import), Mumbai Vs. Dilip Kumar & Co. [(2018) 9 SCC 1] provides that an exemption is to interpreted strictly and the burden of proving applicability lies on a person claiming it. In the present case, both the parameters are satisfied even if the exemptions are considered strictly on a reading of plain terms which are applicable to the petitioner's claim. Insisting that the registration should be within the transitional period is not a requirement provided by law or the notifications. In fact, the notification dated 19th February, 2026 provides otherwise. We therefore have no difficulty in holding that once the petitioner falls within the terms of the above notifications, the same would have to be given full effect. There is no dispute that the Bills of Lading having shipped the said goods on board was on or before 30th June, 2026. Therefore, there is nothing wrong in the petitioner applying for the ARN on 3rd July, 2026 as the goods which were shipped on or before 30th June, 2026 were to arrive on 12th July, 2026 in one case and the other on 26th July, 2026. Thus, the petitioner applied for obtaining the ARN within the time frame stipulated by the notification dated 19th February, 2026.

22. The petition is therefore allowed in terms of prayer clauses (a) and (b). The impugned order dated 10th August, 2026 is quashed and set aside.

23. No order as to costs.

(SANDESH D. PATIL, J.)

(M. S. KARNIK, J.)