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

*Date of decision: 11<sup>th</sup> September, 2025*

+ **W.P.(C) 13855/2025 & CM APPL. 56803/2025**

VINDHYA TELELINKS LIMITED AND ORS. ....Petitioners  
Through: Mr. Narendra M Sharma, Ms. Shreya  
Singh, Mr. Sahana Sathiya Narayanan  
& Mr. Aryan Sharma, Advs. (M:  
8448065574)  
versus

UNION OF INDIA AND ORS .....Respondents  
Through: Ms. Rukhmini Bobde, CGSC with Mr.  
Jatin Dhamija, Mr. Amlaan Kumar &  
Mr. Vinayak Aren, Advs. for R-1 to 3.  
Along with Mr. Abhijit Narendra, JS  
(Ministry of Steel)(M: 9871738029)

**CORAM:**  
**JUSTICE PRATHIBA M. SINGH**  
**JUSTICE SHAIL JAIN**

**Prathiba M. Singh, J. (Oral)**

1. This hearing has been done through hybrid mode.
2. The present petition has been filed, *inter alia*, seeking release of the subject consignments of co-polymer coated Electro Chrome Coated Steel Tape (hereinafter “*ECCS Tape/ subject consignments*”) imported by the Petitioners for manufacturing of optical fibre cables.
3. In addition the Petitioners have also challenged the constitutional *vires* of the impugned Circular dated 20th October, 2023 issued by the Respondent No. 1 - Ministry of Steel, Union of India (hereinafter “*MoS*”). The impugned Circular mandates steel importers to seek No-Objection Certificate for every



single consignment from the MoS when importing steel without BIS license.

4. The Petitioner Nos. 1 and 2 *i.e.*, Vindhya Telelinks Limited and Birla Cable Limited, are stated to be a part of the MP Birla Group and are engaged in the business of manufacturing of optical fibre cable for the telecommunication industry.

5. On the last date *i.e.*, 9th September, 2025 the Court had heard the Petitioner and issued notice to the Respondents considering the necessity of optical fiber cables in expansion of internet facilities in the Country. The relevant observations of the Court on 9th September, 2025 are as under:

*“6. The Petitioners are Vindhya Telelinks Limited and Birla Cable Limited who are both manufacturing optical fiber cables for several years. The Petitioners had placed orders with overseas suppliers based in China for import of these tapes with precise technical specifications such as 0.125- 0.150mm thickness, electrolytic chrome coating and co-polymer lamination.*

*7. It is the case of the Petitioners that this product is not manufactured domestically in India, though certain companies are in the process of starting to manufacture the same. The Petitioner’s consignments had arrived in India between January to March, 2025, however the same are not being allowed to be cleared on the ground that no NOC has been issued by Respondent No.1 *i.e.*, Ministry of Steel, Union of India.*

*8. The submission of ld. Counsel Mr. Narendra M. Sharma appearing for the Petitioners is that there is no ban on import of such products. However a circular dated 20th October, 2023 is being used to stop the consignments on the ground that unless the Ministry of Steel gives the clarifications, the import cannot be permitted. Mr. Narendra M. Sharma, ld. Counsel for*



*the Petitioners has also highlighted that in various meetings with the Ministry of Steel and the e-mails which have been written, it becomes clear that the purpose is to ensure that the people like the Petitioners source the same domestically, including from third party companies such as Jindal Steel Works (hereinafter, 'JSW').*

*9. However, the fact that has been ignored by the Ministry of Steel is that even companies like JSW are not yet manufacturing the same in India in terms of the specifications and it would take some time before even the domestic production would be scaled up by companies like JSW to meet the demand.*

*10. Ld. Counsel for the Petitioners further submits that repeated meetings of the Ministry of Steel have been of no avail as the Petitioners have already incurred demurrage charges of more than Rs 1.3 crores for consignments worth Rs 2.6 crores and at the moment the same have been stored with the ICD, Nagpur. [...]*

*11. Ms. Rukhmini Bobde, ld. CGSC appearing for Respondent Nos. 1 to 3 accepts notice and submits that the present writ is not maintainable due to lack of jurisdiction/forum convenience. [...]*

*14. The consignments in this case relate to ECCS Tape which are required for covering the optical fiber cable. The e-mails and the documents related to the meetings on record also show that in respect of supplies to BSNL and other Government entities, the imports have been permitted. Presently, when the country is depending on expansion of internet connectivity, Optical fiber would be a critical product. The Petitioners being leading manufacturers of optical fiber cannot be forced to bring their entire manufacturing to a standstill due to non-clearance of ECCS Tapes.*



*15. Accordingly, let the Counsel for the Respondent obtain instructions from the Ministry of Steel in respect of the release of these goods and the conditions on which the release can be permitted. In fact, in the opinion of this Court, a proper policy decision ought to be taken, after consulting the various stakeholders including the domestic producers of such tapes.”*

6. As can be seen from the above, the Court had directed the Id. CGSC to seek instructions from Ministry of Steel *qua* release of the imported consignments and the terms and conditions thereto. In addition, the Court was of the *prima facie* view that a policy decision ought to be taken after consulting the relevant stakeholders, including the domestic industry in respect of the issues raised in the present petition.

7. It would also be pertinent to note that the Court had also noticed that the impugned Circular is already under challenge in various matters pending before this Court. Further, in some cases including ***W.P.(C) 16801/2024*** titled ***Worldlink Logistics & Ors. v. Union of India & Ors.***, interim orders have already been passed allowing the clearance of consignments of steel.

8. Further to the above, today Mr. Abhijit Narendra, Joint Secretary, MoS is present before the Court. Mr. Narendra along with Ms. Bobde, Id. CGSC have explained the purpose and rationale behind the impugned Circular issued by the MoS which is to ensure that the quality of the steel imported is in compliance with the BIS standards for the same. The intention behind the impugned Circular is also to promote domestic manufacturing of steel and reduce the reliance on imported steel. According to MoS, advance NOC has to be obtained by the importers before importing any consignment of steel in terms of the impugned Circular.



9. On the other hand, Mr. Sharma, Id. Counsel for the Petitioners submits that the said requirement of seeking NOC in advance has not been mentioned in the reasons for rejection of the respective applications seeking NOC for the subject consignments. It is further submitted that the business of the Petitioners has come to a standstill due to the non-clearance of the subject consignments.

10. Heard the Id. Counsels for the parties. The Court has also perused the relevant documents on record including the impugned Circular dated 20th October, 2023 which reads as under:

“

**CIRCULAR**

***Subject: All the steel importers importing steel without BIS license to mandatorily apply and seek clarification from Ministry of Steel through QCO Portal for each & every imported steel consignment.***

*The Ministry of Steel has notified Steel and Steel Products (Quality Control) Order under the BIS Act, 2016. Periodically the Ministry issues such QCO orders to cover more grades of steel and related products.*

*The Quality Control Order mandates that all the steel products imported into the country must be having BIS license / certification and accompanied with Mill Test Certificate and be marked with ISI and BIS license number.*

*For smooth implementation of the Quality Control Order, the Ministry of Steel has constituted a Technical Committee (w.e.f. October 2018) for examination and analysis of the application(s) received for issuance of clarification, whether the product(s) which are being imported without BIS certification are covered under Steel QCO or not.*

*For issuing of the said clarifications to the steel importers, the Ministry of Steel has launched a dedicated portal, known as TCQCO Portal (<https://tc-qco.steel.gov.in/tc-qco>) w.e.f. August 2020.*

***It is mandatory for all the steel importers to***



**apply and seek clarification on the aforesaid dedicated portal for each & every steel consignment which is imported in the country without BIS license/certification. It is clarified that the Ministry of Steel issues clarification for each single import consignment. In this regard it is further clarified for each & every consignment the importer need submit fresh application through TCQCO portal, unless stated otherwise in the clarification issued.**

The information regarding the Technical Committee Meeting (<https://steel.gov.in/technical-committee>) and Steel Quality Control Order (<https://steel.gov.in/quality-control-orders>) are available on the Ministry of Steel's website as well as on the TCQCO Portal.

*This circular clarifies the circular dated 20th December 2018 on the same subject”*

11. A perusal of the above would show that the MoS is to merely issue a clarification in respect of each steel consignment and it does not require an advance NOC. However, at this stage, it is argued by Mr. Narendra and Ms. Bobde, Id. CGSC that all importers are aware that advance NOC is to be obtained and that this is the practice being followed for clearance of consignments of steel.

12. The product in question in the present case is Co-polymer Coated ECCS Tape for which, admittedly, as per Mr. Narendra, there is no BIS standard which governs the quality. The MoS has attempted to justify the non-issuance of NOC/ clarification for the Petitioners' consignments on the ground that the underlying steel which may be polymer coated does not adhere to the required standard. However, this aspect has not been communicated to the Petitioners.



13. Moreover, the four consignments of ECCS Tape have already arrived in India which were imported during the period January, 2025 to March, 2025. The Petitioners are manufacturers of optical fibre cables which require ECCS Tape coating to withstand harsh environmental conditions. According to Mr. Sharma, Id. Counsel for the Petitioners the entire production of the Petitioners has come to a standstill as there is no domestic manufacturer which manufactures the ECCS Tape, especially to the extent to be able to fulfil the demand of the Petitioners. This position is disputed by the MoS and reliance is placed on the minutes of the meeting recorded on 1st July, 2025 between various ministries and other stakeholders.

14. Be that as it may, considering the facts and circumstances of the case as also the order dated 16th December, 2024 passed in ***Worldlink Logistics (supra)***, as a one-time measure, the provisional release of the 4 consignments of the Petitioners which are currently lying in warehouse is allowed, subject to payment of applicable customs duty and all other charges with the Customs Department. Let the provisional release be effected within two weeks.

15. The MoS is free to issue a fresh circular making it clear to all importers that advance NOC would be required from the MoS for future imports of steel consignments without BIS license. The MoS is also free to issue any further circular, as a matter of policy, for import of such products to ensure that the steel production in India is not hampered and domestic manufactured steel is consumed by the concerned entities in India.

16. It is made clear that this order shall not act as a precedent inasmuch as it is one time measure which has been permitted on the ground that the impugned Circular, *prima facie*, is not clear that it requires advance NOC from the MoS.



17. Considering that the subject consignments have been released provisionally, let the reply to the writ petition be filed within four weeks. Rejoinder, thereto, be filed within four weeks thereafter.
18. List on 27<sup>th</sup> November, 2025.

**PRATHIBA M. SINGH**  
**JUDGE**

**SHAIL JAIN**  
**JUDGE**

**SEPTEMBER 11, 2025**  
*dj/msh*