JVS.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9905 OF 2026

M/s. Gurunanak Dairy & Sweets	}	Petitioner
Versus		
The Union of India & Ors.	}	Respondents

Mr. Abhijeet Desai with Mr. Vijay Singh, Ms. Mohini R. and Mr. Deepesh Ramakhiani, for the Petitioner.
Mrs. A. P. Thipsay, 'B' Panel Counsel for Respondent Nos. 2, 3, 4, 5 & 6-State.

CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.

DATE : 17th AUGUST, 2026

P.C.:

1. The Petitioner is a dealer of sweets and dairy products. The Petitioner commenced business in 2006. The food licence was renewed on 12th October, 2022, which is to last until 12th October, 2027 under the Food Safety and Standards Act, 2006.

2. On 11-12th June, 2026, the Food Safety Officer, Smt. A. D. Jhanjhurne, FDA, Pune inspected the Petitioner's premises pursuant to a complaint of food poisoning and recorded negative observations regarding sanitation, record-keeping, labelling and staff hygiene. On 12th June, 2026, Respondent No. 4 passed the impugned order of suspension and directed closure of business.

3. On 15th June, 2026, the Petitioner preferred Appeal No. 25 of 2026 before Respondent No. 6, the Commissioner, Food and Drug Administration. On 9th July, 2026, the Petitioner tendered a comprehensive full compliance report addressing every observations/objections recorded in the inspection. On 13th July, 2026, Respondent No. 5 re-inspected the Petitioner's premises and an auto generated inspection report ID No.1253428 recorded 35 out of 36 marks and indicated the compliance score of 98%. An observation was recorded that the Petitioner needs to seek change its licence since it is active only in retail business and does not carry out any manufacturing process.

4. The learned Advocate for the Petitioner has relied upon an order passed by this Court dated 16th July, 2026 in ***Writ Petition No. 8360 of 2026 (M/s. Pind Punjab vs. Union of India & Ors.)***. He points out the observations of this Court in Paragraph Nos. 3 to 7, which read as under: -

> *3. The Petitioner preferred an Appeal before the Commissioner of Food and Drug Administration on 28th June, 2026. The learned AGP informs us that the concerned Commissioner passed an order directing a fresh inspection. The learned Advocate for the Petitioner submits that he has obtained a copy of the fresh inspection report with reference to the inspection carried out on 8th July, 2026, bearing Report ID No.1251494, which is an auto generated inspection report. The eight pages report is tendered across the Bar which is marked as '**X**' for identification. He points out that in the inspection, the maximum score was 112*

marks. The Petitioner obtained 112 marks, and the percentage, as per the final result, is 100%.

4. The learned Advocate appearing on behalf of Respondent Nos.1 and 2 and the learned AGP appearing on behalf of Respondent Nos.3 to 5 submit, on instructions, that the auto generated inspection report marked 'X' cannot be disputed.

5. In fact, after the report was generated on 8th July, 2026, the concerned officer, Mr. N.R. Sarkate, should have issued a consequential order restoring the license. He probably has not done so because the Appeal was pending.

6. Proceedings initiated vide the Appeal, need not be taken forward since the Petitioner has cured all the deficiencies and he has been granted 100% compliance report.

7. As such, **this Petition is partly allowed**, *with the following directions :*

> *(a) The impugned suspension order dated 23rd June, 2026 shall lose its efficacy and the license shall stand restored forthwith;*
>
> *(b) The pending Appeal before the Commissioner, Food and Drug Administration, has achieved its purpose and the same stands disposed off;*
>
> *(c) The concerned Commissioner would issue a formal order disposing off the said Appeal from its file.*

5. Mrs. A. P. Thipsay, the learned 'B' Panel Counsel appearing on behalf of Respondent Nos. 2, 3, 4, 5 and 6 submits, on instructions from the concerned officers present in the Court Hall, that the suspension order has not been revoked because the Petitioner has preferred an Appeal. The Appeal

has been heard and closed for judgment on 11th August, 2026. Because the Appeal was filed, though the Petitioner is 98% compliant to the extent of retail business and does not indulge in the manufacturing activities, the suspension was not revoked. Even the Application of the Petitioner dated 16th July, 2026 seeking removal of ‘general manufacturing’ category from the food licence, for which the requisite fees of Rs. 1,000/- was paid, is also not dealt with because the Appeal is pending.

6. We find the submissions of the Respondents to be unconvincing. On 12th June, 2026, the Petitioner’s food licence was suspended because of deficiencies. Thereafter, the Petitioner removed all the deficiencies and tendered a comprehensive compliance report dated 9th July, 2026. The authorities themselves visited the premises and carried out an inspection on 13th July, 2026. If pendency of the Appeal was not an impediment for the Respondent authorities in inspecting the premises of the Petitioner, we find no reason for the authorities to continue with the suspension of the retail food licence only because an Appeal was pending. If the said logic is to be applied, the authorities should not have even inspected the premises of the Petitioner on the plea that the Appeal was pending. If re-inspection was permissible notwithstanding the pendency of the Appeal, the Petitioner scoring 98% compliance marks, should have fetched an order of instant

recalling of the suspension order.

A lame excuse that an Appeal is pending should not have been put-forth. If the Petitioner had not preferred an Appeal, would the Respondent authorities still have sat over the suspension order notwithstanding the fact that the re-inspection has revealed 98% compliance? The compliance and removal of deficiencies was a lawful ground for immediate revocation of the suspension.

7. The Petitioner's reliance on the order of this court in ***M/s. Pind Punjab*** (supra), is well placed. The learned Advocate for the Petitioner points out that the Petitioner, which is a small business, earns around Rs. 25,000/- per day and lost its business for almost 35 days. The total loss of revenue is around 9,00,000/-.

8. In view of the above, considering the entire report, which deals with several aspects including cleanliness, hygiene, maintenance and sanitation, wherein the Petitioner has secured 98% compliance score, we deem it appropriate to direct the Food and Drug Administration of the State of Maharashtra to compensate the Petitioner's loss of Rs.9 lakhs, with a compensatory payment of Rs. 5 lakh only.

9. **This Petition is allowed**. The impugned suspension order stands vacated forthwith. The Petitioner is at liberty to restart its retail business in dairy and sweets. The Food and Drug Administration shall deposit the amount of Rs. 5 lakh in this Court within 30 days from today. The Petitioner is at liberty to withdraw the said amount without any condition.

10. The learned Advocate for the Petitioner submits that the Petitioner desires to withdraw the pending Appeal. In view of the above, the said Appeal is disposed off as withdrawn, on request. A formal order shall be passed by Respondent No. 6 declaring that the Appeal is disposed off, having been withdrawn by the Petitioner.

11. The Petitioner's Application for modification of the FSSAI licence for removal of the 'general manufacturing' category, shall be dealt with within 72 hours and if the application is allowed, the modified FSSAI licence shall be issued to the Petitioner.

JAYANT VISHWANATH SALUNKE

Digitally signed by JAYANT VISHWANATH SALUNKE
Date: 2026.08.18 16:55:47 +0530

[GAUTAM A. ANKHAD, J.] **[ACTING CHIEF JUSTICE]**