

A.R.Dairy Food Private Limited vs The Central Licensing Authority-Tami ... on 3 October, 2024

Author: N.Sathish Kumar

Bench: N.Sathish Kumar

W.P (MD)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.23551 of 2024
and
W.M.P(MD).No.19937 of 2024

A.R.Dairy Food Private Limited,
Rep., by its Authorised Signatory,
G.Kannan

... Petition

Vs.

The Central Licensing Authority-Tami Nadu (03)
Food Safety and Standards Authority of India,
Central Designated Officer,
Southern Regional Office,
Ministry of Health and Family Welfare,
2nd Floor, South Wing, Central Documentation Complex,
Chennai Port Trust Building, Rajaji Salai, Chennai 600 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the record impugned notice in bearing No.F.No.2/RCD/Regul Sampling/TN/2024-25/748 dated 27.09.2024 passed by the respondent herein and quash the same as wholly illegal and without jurisdiction.

For Petitioner

: Mr.Sharath Chandran
for Mr.K.Krishna

<https://www.mhc.tn.gov.in/judis>

For Respondent : Mr.AR.L.Sundaresan
Assistant Solicitor General
for Mr.K.Govindarajan
Deputy Solicitor General

ORDER

This writ petition has been filed challenging the impugned notice bearing No.F.No.2/RCD/Regulatory Sampling / TN/2024-25/748, dated 27.09.2024, issued by the respondent.

2. Heard both sides. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner/A.R.Dairy Food is the private limited company, engaging the work of manufacturing milk and milk products including ghee. While that being so, the petitioner responded to a public advertisement issued by Tirumala Tirupati Devasthanam (TTD) inviting quotations from ghee manufacturers located within 1500km from Tirumala for the supply of ghee for the Devasthanam's Prasadam Unit. The petitioner successfully got the contract and subsequently, entered into a formal agreement with TTD to supply of 10 lakh kg of ghee between 06.06.2024 and 30.10.2024. TTD accepted the four consignments, which were delivered on 04.06.2024, 11.06.2024, 19.06.2024 <https://www.mhc.tn.gov.in/judis> and 27.06.2024 and payment for these consignments were also duly disbursed. The petitioner subsequently supplied another four consignments on 03.07.2024, 04.07.2024 and 09.07.2024 (two loads), but the same was rejected by TTD without assigning any reasons. Thereafter, TTD issued a show cause notice to the petitioner and the petitioner has also given reply to the same. On 27.09.2024, the respondent issued a show cause notice, which is impugned in this writ petition, on the basis of the lab report of the M/s.NDDDB Calf Limited. Aggrieved by the same, the petitioner is before this Court.

4. Considering the nature of the show cause notice dated 27.09.2024, it is bereft of any provisions of law and further the fact that sufficient time was also not given as per Section 32(3) of the Food Safety and Standards Act, 2006. The learned Assistant Solicitor General appearing for the respondent would submit that the respondent will issue supplementary notice to the writ petitioner within three days from today (i.e.,03.10.2024) and sufficient opportunity will also be given to the petitioner.

5. Recording the above, the respondent is directed to issue supplementary notice to the petitioner immediately and on receipt of the same, the petitioner shall give an explanation for the same within fourteen days of the <https://www.mhc.tn.gov.in/judis> receipt of notice. On such explanation, the respondent shall proceed as per law, after giving sufficient opportunity to the petitioner.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.1

NCC : Yes / No
Index : Yes / No
Rmk

To

The Central Licensing Authority-Tami Nadu (03) Food Safety and Standards Authority of India, Central Designated Officer, Southern Regional Office, Ministry of Health and Family Welfare, 2nd Floor, South Wing, Central Documentation Complex, Chennai Port Trust Building, Rajaji Salai, Chennai 600 001. <https://www.mhc.tn.gov.in/judis> <https://www.mhc.tn.gov.in/judis> N.SATHISH KUMAR, J Rmk 03.10.2024 <https://www.mhc.tn.gov.in/judis>