

# Dabur India Limited, Mumbai vs Adjudicating Officer And Joint ... on 30 November, 2022

**Bench: A.S. Chandurkar, Anil Laxman Pansare**

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12.wp.7287.2

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 7287 OF 2022  
(Dabur India Limited V/s Adjudicating Officer & Joint Commissioner (Food), Nagpur

Office Notes, Office  
Memoranda of Coram,  
Appearances, court's  
orders or directions and  
Registrar's orders

Court's or Judge's orders

Mr. A. A. Naik, Advocate for Petitioner.  
Ms. N. P. Mehta, AGP for Respondent Nos.1 to 6.

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CORAM : A. S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : NOVEMBER 30, 2022.

. Heard.

2. The challenge raised in this Writ Petition is to the notices issued by the Adjudicating Officer under the Food Safety and Standards Act, 2006 (for short, 'the Act of 2006'), by which the Petitioner, the Manufacturer is stated to have manufactured and sold "substandard" "Honey (Dabur)", thus resulting in contravention of the provisions of Section 26(1), 26(2)(ii) read with Section 3(1)(zx) punishable under Section 51 of Food Safety and Standards Act, 2006 as well as Regulation 2.8.3(1) of Food Products Standards and Food Additives Regulations of 2011.

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3. According to the learned Counsel for the

Petitioner, the manner in which the samples were collected by the authorities, is contrary to the provisions of the Act of 2006 as well as the Food Safety and Standards Rules Rules, 2011.

4. Referring to the provisions of Section 46 of the Act of 2006, it is submitted that for failure to supply the report of the Food Analyst, right of appeal is provided under Section 46(4) of the Act of 2006 has been lost. It is further submitted that the samples were seized on 4/12/2020 and shelf life thereof was a period of twelve months from the date of manufacture. The notice in Form VA has been issued after expiry of the period of shelf life of the said product, thus, causing prejudice to the rights of the Petitioner.

5. Issue notice to the Respondents, returnable in four weeks.

6. Ms. Mehta, the learned AGP waives service of notice on behalf of the Respondent Nos.1 to 6.

7. Though the adjudicating proceedings under reference may continue, no coercive steps shall be taken 3/3 12.wp.7287.2022.odt against the Petitioner pursuant to the impugned notice, until further orders.

(ANIL L. PANSARE, J.) (A. S. CHANDURKAR, J.) Yadav VG Digitally Signed ByVIJAYA GOURISHANKAR YADAV Signing Date:30.11.2022 19:02