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Status: **Pending**

Case Number: **WP 14990/2026**
(KAHC010333722026)

Classification: **GM RES**

Date of Filing: **08/05/2026**
14:50:58

Petitioner: **SAMI-SABINSA**
GROUP LTD.

Petitioner Advocate: **SUNDARA**
RAMAN M V

Respondent: **UNION OF INDIA**

Respondent Advocate:
ANUPARNA BORDOLOI

Filing No.: **WP 15199/2026**

Judge: **S.R.KRISHNA KUMAR**

Last Posted For: **ORDERS**

Last Date of Action: **12/05/2026**

Last Action Taken: **ADJOURNED**

Next Hearing Date:

Daily Orders: WP 14990/2026

1	12/05/2026	S.R.KRISHNA KUMAR	ADJOURNED
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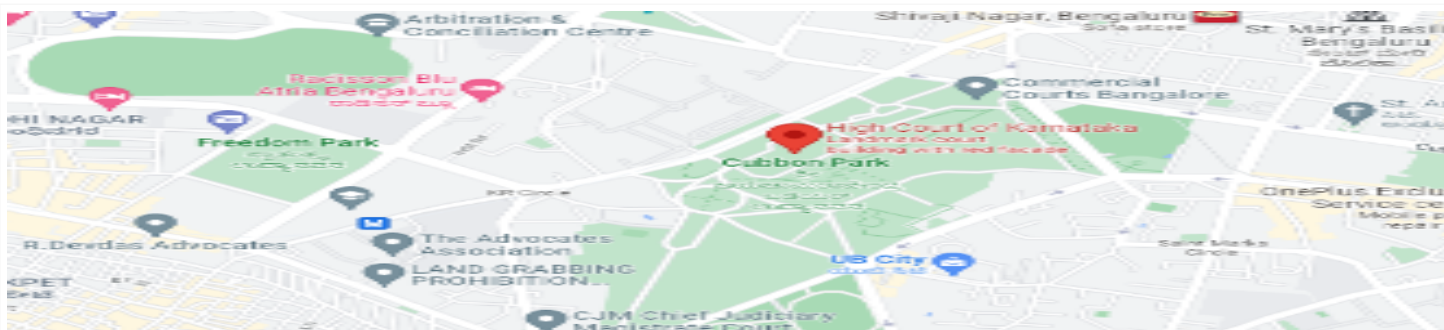
COMMON ORAL ORDER

List W.P.No.14990/2026 along with W.P.No.15010/2026.

2. Heard learned Senior counsel for the petitioners and learned CGC for the respondents in both the petitions and perused the material on record.
3. Learned Senior counsel would invite my attention to the material on record in order to contend that the petitioners are engaged in the manufacture of their products through contract manufacturers of Ashwagandha (Withania Somnifera), which features at Sl.No.432 of Schedule – IV of the Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations, 2016 (for short “the said Regulations of 2016”) framed under Section 92 of the Food Safety and Standards Act, 2006 (for short “the said Act of 2006”). It is submitted that the petitioners have been manufacturing Ashwagandha from the roots and extracts of the plant including leaves and are confining their manufacturing only to the roots and extracts of the plant including leaves and as such, the impugned advisory and communication dated 16.04.2026 and 15.04.2026 are ultra vires the said Act and Regulations and the same deserve to be quashed.
4. Learned Senior counsel would submit that the impugned advisory has been issued in contravention of the provisions of the said Act of 2006 and prohibition of usage of certain parts of a food supplement cannot be issued through a mere advisory simpliciter without amending the 2016 Regulations, which was sufficient to vitiate the impugned advisory, which deserves to be quashed. It is submitted that the respondents wrongly state and assume that in Schedule – IV of the 2016 Regulations only the roots and extracts of Ashwagandha and not the leaves are permitted to be used as a plant or botanical ingredient, which is contrary to the provisions of the Act and Regulations and the impugned advisory being violative of Article 19(1)(g) of the Constitution of India, the restriction imposed through the advisory is excessive and fails to meet the proportionality test apart from lack of application of mind by the respondent, who has issued the impugned advisory only on the basis of a mere directive dated 15.04.2026 and consequently, the impugned advisory deserves to be quashed on this ground also. It is also submitted that the petitioners have been manufacturing their products using the leaves of Ashwagandha plant for more than 30 years to the knowledge of the respondents, who did not raise any objections in this regard and the reference in the directives dated 15.04.2026 to certain scientific studies do not indicate muchless establish that usage of Ashwagandha leaves results in possible safety concern and as such, the said directive could not have been made the basis to issue the impugned advisory, which deserves to be quashed on this ground also especially when preventing usage of leaves of Ashwagandha plant would severely and substantially impact the business of the petitioner, who would be put to irreparable injury and hardship and justice would suffer.
5. Per contra, learned CGC for the respondents in both the petitions seek time to file objections.
6. Re-list on 08.06.2026.
7. Statement of Objections, if any, to be filed by the next date of hearing.
8. In the meanwhile, the impugned Advisory dated 16.04.2026 and the impugned Directive dated 15.04.2026 issued by respondent Nos.1 and 2 respectively, are hereby stayed only insofar as it relates to the petitioners in W.P.No.14990/2026 and W.P.No.15010/2026 are concerned, till the next date of hearing.
9. Liberty is reserved in favour of respondents to seek vacation / modification of this order.

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