

**IN THE COURT OF SH. PITAMBER DUTT :
PRINCIPAL DISTRICT & SESSIONS JUDGE-CUM-PRESIDING OFFICER,
FOOD SAFETY APPELLATE TRIBUNAL,
PATIALA HOUSE COURTS, NEW DELHI.**

FSAT NO. 02/2026
CNR No. DLND01-002040-2026

M/s. Maggu Multiventures Pvt. Ltd.
Having its registered office at :
House No.G-25, A, Ground Floor,
Flat No.2, Vishwakarma Colony,
New Delhi-110044

.....Appellant

Versus

CEO
The Food Safety and Standards Authority of India
Having its registered office at :
FDA Bhawan, Kotla Road, Near Bal Bhawan,
New Delhi-110002

.....Respondent

Date of Institution	:	26.02.2026
Arguments heard on	:	12.05.2026
Date of Judgment	:	12.05.2026

Appearances:-

**Sh. Akhil Krishan Maggu, Sh. Oshin Maggu and Sh. Aryan Nagpal, Ld. Counsels
for the appellant.**

Sh. Shashwat Roy, Ld. Counsel for the respondent.

JUDGMENT

1. This appeal has been filed against the order No.63/2025 dated 04.02.2026 passed by CEO, FSSAI vide which the above officer refused to grant N.O.C. to the appellant as the said product failed in pesticides and making the product 'unsafe' as per Food Safety and Standards (Contaminants, Toxins and Residues) Regulation, 2011.

2. Ld. Counsel for the respondent at the outset contended that no appeal lies against the said order passed by CEO, FSSAI, before this court as per Food Safety and Standards (Contaminants, Toxins and Residues) Regulation, 2011 as this court is empowered to deal with the adjudication which was done as per Section 68 of Food Safety and Standards Act, 2006. He further submits that as per Food Safety and Standards (Import) Regulations, 2017, the aggrieved person is given an opportunity to file a review and a second review and after that, no other remedy is available. He further submits that the appellant has availed both the opportunities of seeking review and after that the present appeal has been filed and as per Sr. No.39 of FAQs on Food Import, the order of CEO is final order.

3. Ld. Counsel for the appellant submits that the appeal is maintainable as any order passed by the Food Safety Department can be assailed by filing an appeal before the court. In support of his plea, he relied upon the judgment passed by Division Bench of Hon'ble Allahabad High Court in **Writ C. No.42728/2016 titled as M/s.Pepsi Co. India Holdings Pvt. Ltd. Vs. State of U.P. and Another, date of decision 07.09.2016** as well as **W.P. (C)1079/2025 titled as Godrej Agrovet Ltd. Vs. Food Safety and Standards Authority of India & Anr., date of decision 07.04.2026.**

4. I have heard Ld. Counsels for the parties, perused the appeal, Regulations and the judgment relied upon by the parties. The present appeal has been filed by the appellant against an order dated 04.02.2026 passed by CEO, FSSAI.

5. Section 70 of the Food Safety and Standards Act, 2006 gives power to this court to entertain an appeal from the decision of Adjudicating Officer U/s.68 of Food Safety and Standards Act, 2006. Sections 68 and 70 of Food Safety

and Standards Act, 2006 are reproduced as under :

“68. Adjudication.

(1) For the purposes of adjudication under this Chapter, an officer not below the rank of Additional District Magistrate of the district where the alleged offence is committed, shall be notified by the State Government as the Adjudicating Officer for adjudication in the manner as may be prescribed by the Central Government.

(2) The Adjudicating Officer shall, after giving the person a reasonable opportunity for making representation in the matter, and if, on such inquiry, he is satisfied that the person has committed the contravention of provisions of this Act or the rules or the regulations made thereunder, impose such penalty as he thinks fit in accordance with the provisions relating to that offence.

(3) The Adjudicating Officer shall have the powers of a civil court and-

(a) all proceedings before him shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860).

(b) shall be deemed to be a court for the purposes of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

(4) While adjudicating the quantum of penalty under this Chapter, the Adjudicating Officer shall have due regard to the guidelines specified in section 49”.

“70. Establishment of Food Safety Appellate Tribunal

(1) The Central Government or as the case may be, the State Government may, by notification, establish one or more tribunals to be known as the Food Safety Appellate Tribunal to hear appeals from the decisions of the Adjudicating Officer under section 68.

(2) The Central Government or the State Government, as the case may be, shall prescribe, the matters and areas

in relation to which the Tribunal may exercise jurisdiction.

(3) The Tribunal shall consist of one person only (hereinafter referred to as the Presiding Officer of the Tribunal) to be appointed, by notification, by the Central Government or the State Government, as the case may be:

Provided that no person shall be qualified for appointment as a Presiding Officer to the Tribunal unless he is or has been a District Judge.

(4) The qualifications, appointment, term of office, salary and allowances, resignation and removal of the Presiding Officer shall be such as may be prescribed by the Central Government.

(5) The procedure of appeal and powers of the Tribunal shall be such as may be prescribed by the Central Government.”

6. A perusal of Sections 68 and 70 of the Act shows that this court is vested with the jurisdiction to deal with an appeal against the adjudication made by the Adjudicating Officer ie. by the rank of Additional District Magistrate of the District as per Section 68 of the Act and not otherwise.

7. The present appeal has not been filed by the appellant against an adjudication made by Additional District Magistrate as provided U/s.68 of the Act but against an order passed by CEO of FSSAI.

8. It is relevant to mention that the appellant herein first preferred a review application against the decision of the respondent, copy of which has not been placed on record, which was rejected. After that, second representation was given by the appellant, which has been annexed at page Nos. 54 and 55.

9. The said representation was made as per Regulation No.15(2)(a) by filing Form 6 as prescribed by Regulation No.15(2)(a).

10. The second representation filed by the appellant was dismissed vide order dated 04.02.2026 against which the present appeal has been filed.

11. The appellant availed the remedy regarding rejection of the sample as per Food Safety and Standards (Import) Regulations, 2017.

12. Chapter 10 of the said regulation deals with orders by Authorized Officer. Clause 14(5) of Chapter 10 is relevant, which is reproduced herein below :

“14(5) The Authorised Officer shall issue a non conformance report in FORM-4 specifying the grounds mentioned in these regulations for refusal, wherever the clearance of the imported food is refused, under his seal and signature, and shall communicate such order in a specified manner to the customs, Food Authority and the Food Importer.”

13. The consignment of the appellant was not approved as per Clause 14(5) of Chapter 10 of Food Safety and Standards (Import) Regulations, 2017, against which appellant gave first representation as per the remedy prescribed under Chapter XI of the said Regulation.

14. Chapter XI of the regulation deals with the mechanism of Review Process, which is reproduced herein below :

“Chapter - XI

Review Process

15. Reviewable orders. - (1) Any Food Importer, aggrieved by one or more of the following orders of the Authorised Officer, may file a review application to the Review Officer-

(a) rejecting the clearance of the imported articles of food for non-compliance of the conditions specified in regulation 6 of these Regulations;

(b) any order directing the Food Importer to rectify the labeling of the articles of food: and

(c) order of rejection issued on receipt of a non-conformance report from Food Analyst.

(2) (a) The review application shall be in FORM-6 and be accompanied by such fee as may be specified by the Food Authority from time to time;

(b) The review application shall be presented to the Review Officer along with the required documents within fifteen working days from the date of receipt of the report of rejection;

(c) The Review Officer may admit a review application after the expiry of the said period for an extended period of seven working days, if he is satisfied that the Food Importer had sufficient cause for not presenting it within that period.

(3) (a) The Review Officer shall consider the facts and dispose of the review application in accordance with the provisions of the Act, the rules and regulations made thereunder and orders or notifications issued by the Food Authority from time to time;

(b) On receipt of the completed application for review along with all documents, the Review Officer, if he deems fit may, fix the date, time and venue of hearing the representation of the Food Importer;

(c) The Food Importer, either in person or by a representative, and the Authorised Officer, either in

person or through an authorised representative, shall have the right to be heard at the hearing of the review application;

(d) If either the Food Importer or the Authorised Officer or their authorized representative fails to appear themselves at the hearing of the review application, the Review officer may proceed to decide the review on merits;

(e) The Review Officer shall dispose of the review application within a period of seven days, after filing of the review application by the Food importer and the reply of the Authorised Officer thereof:

Provided that the Review Officer may allow submission of further evidence or material, if he deems necessary and also forward a part of the sample for analysis to the referral laboratory:

(f) The Review Officer may, before disposing off any review application, make such further enquiry as he may think fit or direct the Authorised Officer to make such further enquiry and report the result of the same,

(g) The Review Officer may, at the time of hearing of the review application, go into any ground not specified in the grounds for review, if the Review Officer is satisfied that the omission of that ground was not willful or unreasonable;

(h) The order of the Review Officer disposing off the review application shall be in writing and shall state the points for determination, the decision thereon and the reasons for such decision;

(i) On the disposal of the review application, the Review Officer shall communicate the order passed in the review application to the Food Importer, customs and the Authorised Officer; and

(j) The food importer may file a second appeal against the order of the review officer to the chief executive

officer, food safety and standard authority of India, within fifteen days from the date on which the review order is received.”

15. A perusal of sub-clauses (e), (i) and (j) of Chapter XI of Food Safety and Standards (Import) Regulations, 2017 shows that an alternative forum has been provided for addressing the grievances of the importer, whose consignment has been refused. As per Chapter 10 of the said Regulation, the said aggrieved person can file first review before the Reviewing Officer.

16. The importer may also file second appeal against the order of the Review Officer to the Chief Executive Officer, Food Safety and Standard Authority of India, within fifteen days from the date on which the review order was received.

17. The appellant availed the said remedy and had filed the appeal as per Clause 15 of Chapter 11 of Food Safety and Standards (Import) Regulations, 2017, which was dismissed vide order dated 04.02.2026 against which, present appeal has been filed.

18. Order dated 04.02.2026 has not been passed by the Designated Officer as per Section 68 of the Food Safety and Standards Act, 2006 therefore, the present appeal filed by the appellant is not maintainable before this court.

19. Ld. Counsel for the appellant has relied upon the judgment passed by Hon'ble Allahabad High Court in case titled as **M/s.Pepsi Co. India Holdings Pvt. Ltd. Vs. State of U.P. and Another, (Supra)**. In the said case, an objection was raised by Ld. Counsel regarding the non maintainability of the appeal on the ground that impugned order was not in the category of final decision as such no appeal is maintainable. On that basis, after examining Sections 68, 70 and 71 , the

Hon'ble High Court held that the appeal is maintainable as per Sections 68, 70 before Food Safety Appellate Tribunal and the order can be assailed before the Tribunal.

20. The challenge in the said order was not qua Food Safety and Standards (Import) Regulations, 2017 but was within the ambit of Section 68 of Food Safety and Standards Act, 2006. The contention was raised that the order against which appeal was filed was not a final order and the Hon'ble High Court has turned down the said contention.

21. The said judgment relied upon by the appellant is thus not applicable in the present case as the present appeal has not been filed against an order passed by an adjudicatory authority as per Section 68 of the Act but against an order passed as per Chapter XI, Clause 15 of Food Safety and Standards (Import) Regulations, 2017.

22. The appellant has also relied upon para 66 of another judgment titled as **Godrej Agrovet Ltd. Vs. Food Safety and Standards Authority of India & Anr. (Supra)**. Para 66 of the said judgment is reproduced as under :

“66. In both the said clauses, the expression ‘for human consumption’ occurs and, accordingly, any reference to ‘food’ will have to be considered as food for human consumption and ‘food safety’ will have to be considered as safety of food for human consumption. Therefore, in our opinion, sub-Section 5 of Section 16 of the Act, 2006 cannot be permitted to put to service for issuing any directions in relation to cattle feed or animal feed thus the directions dated 10.02.2019, 27.01.2020 and 01.01.2021, which are under challenge herein, are not tenable being beyond the scope of the power of the Food Authority under Section 16(5) of the Act, 2006”.

23. In the said para, the Hon'ble High Court of Delhi has only held that if the food is not meant for human consumption then Sub section 5 of Section 16 of Food Safety and Standards Act, 2006 cannot be permitted to put in service as same are beyond the scope and power of Food Authority under Section 16(5) of the Act, 2006.

24. The present appeal has been filed by the appellant against the dismissal of their appeal against the order of Review Officer as per Chapter 11 of Food Safety and Standards (Import) Regulations, 2017.

25. The said order has not been passed by the Designated Officer constituted U/s. 68 of Food Safety and Standards Act, 2006.

26. The impugned order against which present appeal has been filed was not passed by the authority constituted as per Section 68 of the Act, therefore, this appeal cannot be entertained, as this tribunal is constituted U/s.70 of Food Safety and Standards Act, 2006 for dealing with the adjudication done by the Adjudicating Officer as per Section 68 of Food Safety and Standards Act, 2006.

27. In view of the above facts and circumstances, I am of the considered view that the present appeal filed by the appellant against an order passed by CEO, FSSAI as per Chapter XI of Clause 15 of Food Safety and Standards (Import) Regulations, 2017 is not maintainable, as the impugned order does not fall within the ambit of adjudication done as per Section 68 of Food Safety and Standards Act, 2006. Accordingly, the present appeal is dismissed. Appeal file be consigned to record room after due compliance.

**Announced in the open Court
Today i.e. on 12.05.2026**

**(PITAMBER DUTT)
Principal District & Sessions Judge,
New Delhi District, Patiala House Courts
New Delhi.**