

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 07.09.2026

ORDERS PRONOUNCED ON : 28.09.2026

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY**

**Review Application No.253 of 2026 & W.M.P.Nos.32965 and 42413 of 2026 in
W.P.No.15120 of 2019
and W.M.P.No.42260 of 2026**

Rev. Aplw.No.253 of 2026 :

Food Safety and Standards Authority of India (FSSAI)
Represented by its Chairperson
3rd and 4th Floor, FDA Bhawan
Kotla Road near Bal Bhawan
New Delhi – 110 002.

... Applicant (s) in
Rev.Aplw.No.253 of 2026
and 33rd respondent in
W.M.P.No.32965 of 2026 in
W.P.No.15120 of 2019

Vs.

1. G.Subramania Koushik
S/o.R.Gopal Iyer
No.47, Vijaya Nagar
Place Road, Near Rose Garden
Ooty, The Nilgiris District – 643 001.
2. The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St. George, Chennai - 600 009.

3. The District Collector,
The Nilgiris District,
Collectorate, Ooty – 643 001.
4. The Commissioner,
Udhagamandalam Municipality,
Ooty, The Nilgiris District.
5. The Commissioner,
Coonoor Municipality,
Coonoor, The Nilgiris District.
6. The Commissioner,
Gudalur Municipality,
Gudalur, The Nilgiris District.
7. The Commissioner,
Kotagiri Town Panchayath,
Kotagiri, The Nilgiris District.
8. The Field Director,
Mudumalai Tiger Reserve,
Mount Stuart Hill, Ooty, The Nilgiris.
9. The District Forest Officer
The Nilgiris District, Mount Stuart Hill,
Ooty – 643 001.
10. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.
(R9 is suo motu impleaded vide Court order,
dated 12.02.2021 in W.P.No.15120 of 2019)
11. The Principal Secretary to Government,
Transports Department,
Secretariat, Fort St. George,

Chennai – 600 009.

12. The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and Road Safety,
Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai – 600 005.
(R10, R11 suo motu impleaded vide order, dated
24.11.2022 made in W.P.No.15120 of 2019)
13. Shantha Thiagarajan
(R12 impleaded vide order, dated 16.03.2023
made in W.M.P.No.8577 of 2023 in
W.P.No.15120 of 2019)
14. The Principal Secretary,
Department of Municipal Administration,
Urban and Water Supply, Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
15. The Additional Chief Secretary,
Department of Tourism,
Culture and Religious Endowments Department,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai – 600 009.
(R13, R14 are suo motu impleaded as per
order, dated 19.03.2024 in W.P.No.15120 of 2019)
16. The Secretary to the Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street, New Delhi – 110 001.
(R15 suo motu impleaded as per order, dated 04.11.2024
in W.P.No.15120 of 2019)
17. Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy, Chennai – 600 032.

(R16 suo motu impleaded vide order, dated 27.06.2025
made in W.P.No.15120 of 2019)

18. Hindustan Unilever Limited,
Represented by the Chief Executive Officer and
Managing Director,
D1 10, Hindustan Unilever Limited,
Unilever House, BD Sawant Marg,
Chakala, Andheri East, Mumbai – 400 099.
19. Nestle India Limited,
Represented by the Chairman and Managing Director,
20. Hatsun Agro Product Ltd.,
Represented by the Chairman,
21. Britannia Industries Limited,
Represented by the Chairman, .
22. Parle Agro Private Limited,
Represented by the Chairman and Managing Director,
23. Cavinkare Pvt Ltd.,
Represented by the Chairman and Managing Director,
24. Mondelez India Foods Private Limited,
Represented by its President
25. Procter and Gamble,
Represented by the Managing Director
26. Pepsico India,
Represented by the Chief Executive Officer
27. ITC Limited,
Represented by the Chairman and Managing Director

28. The Tamil Nadu Co-operative Milk Producers
Federation Limited, (AAVIN),
AAVIN ILLAM, TCMPF Ltd.,
3A, Pasumpon Muthuramalingar Salai,
Nandanam, Chennai – 600 035.

29. The Secretary to Government,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan, New Delhi – 110 003.

30. The Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran
Bhawan, Jorbagh Road, New Delhi – 110 003.

31. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu, Fort St. George,
Chennai – 600 009.
(R17 to R30 suo motu impleaded vide order, dated
21.11.2025 made in W.P.No.15120 of 2019

32. S.Muralidharan ... Respondent (s) in
Rev.Aplw.No.253 of 2026
and W.M.P.No.32965 of 2026 in
W.P.No.15120 of 2019

W.M.P.No.42413 of 2026 in W.P.No.15120 of 2026 :

Federation of All India Packaged Drinking Water
Manufacturers Associations (FIPMA),
Through its Authorized Representative
Office at: 212-IV-27 S/F, Agarwal Chamber,
Veer Savarkar Shakarpur,
Delhi – 110 092.

... Petitioner

Vs.

1. G.Subramania Koushik
S/o.R.Gopal Iyer
No.47, Vijaya Nagar
Place Road, Near Rose Garden
Ooty, The Nilgiris District – 643 001.
2. The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The District Collector,
The Nilgiris District,
Collectorate, Ooty – 643 001.
4. The Commissioner,
Udhagamandalam Municipality,
Ooty, The Nilgiris District.
5. The Commissioner,
Coonoor Municipality,
Coonoor, The Nilgiris District.
6. The Commissioner,
Gudalur Municipality,
Gudalur, The Nilgiris District.
7. The Commissioner,
Kotagiri Town Panchayath,
Kotagiri,
The Nilgiris District.
8. The Field Director,
Mudumalai Tiger Reserve,
Mount Stuart Hill,

Ooty, The Nilgiris.

9. The District Forest Officer
The Nilgiris District,
Mount Stuart Hill,
Ooty – 643 001.
10. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.
11. The Principal Secretary to Government,
Transports Department,
Secretariat, Fort St. George, Chennai – 600 009.
12. The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and Road Safety,
Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai – 600 005.
13. Shantha Thiagarajan
14. The Principal Secretary,
Department of Municipal Administration,
Urban and Water Supply, Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
15. The Additional Chief Secretary,
Department of Tourism,
Culture and Religious Endowments Department,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai – 600 009.
16. The Secretary to the Ministry of Road Transport and Highways,

Transport Bhawan, No.1, Parliament Street, New Delhi – 110 001.

17. Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy, Chennai – 600 032.
18. Hindustan Unilever Limited,
Represented by the Chief Executive Officer and
Managing Director,
D1 10, Hindustan Unilever Limited,
Unilever House, BD Sawant Marg,
Chakala, Andheri East, Mumbai – 400 099.
19. Nestle India Limited,
Represented by the Chairman and Managing Director,
20. Hatsun Agro Product Ltd.,
Represented by the Chairman,
21. Britannia Industries Limited,
Represented by the Chairman, .
22. Parle Agro Private Limited,
Represented by the Chairman and Managing Director,
23. Cavinkare Pvt Ltd.,
Represented by the Chairman and Managing Director,
24. Mondelez India Foods Private Limited,
Represented by its President
25. Procter and Gamble,
Represented by the Managing Director
26. Pepsico India,
Represented by the Chief Executive Officer

27. ITC Limited,
Represented by the Chairman and Managing Director
28. The Tamil Nadu Co-operative Milk Producers
Federation Limited, (AAVIN),
AAVIN ILLAM, TCMPF Ltd.,
3A, Pasumpon Muthuramalingar Salai,
Nandanam, Chennai – 600 035.
29. The Secretary to Government,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan, New Delhi – 110 003.
30. The Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran
Bhawan, Jorbagh Road, New Delhi – 110 003.
31. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu, Fort St. George,
Chennai – 600 009.
32. S.Muralidharan
33. Food Safety and Standards Authority of India (FSSAI)
Represented by its Chairperson
3rd and 4th Floor, FDA Bhawan
Kotla Road near Bal Bhawan
New Delhi – 110 002.
34. PET Packaging Association for Clean Environment
(PACE),
Through its Authorised Representative, Pankaj Appal,
313, New Delhi House,
27 Barakhamba Road, New Delhi – 110 001.

35. Aakash Rooms and Cottages,
Represented by its Managing Partner,
Dr.Chitra Vijayaraj, No.167 A,
Hadfiled Road, Hill Bunk, Ooty – 643 001. ... Respondent (s)

Prayer in Review Application (Writ) :- Review Application filed under Article 226 of the Constitution of India r/w Order 47 Rule 1 of CPC to review the order passed in W.P.No.15120 of 2019, dated 06.02.2026 and set aside the same.

Prayer in W.M.P.Nos.32965 and 42413 of 2026 in W.P.No.15120 of 2019 :- Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to recall the order, dated 06.02.2026 in W.P.No.15120 of 2019.

For Applicant (s) / For Petitioner (s):	Mr.AR.L.Sundaresan, ASGI for Mr.V.Chandrasekaran, SPC assisted by Mr.K.Aadhishankaran (in Rev.Aplw.No.253 of 2026) Mr.Sathish Parasaran, Senior Counsel for Mr.Arun Karthik Mohan (in W.M.P.No.32965 of 2026 in W.P.No.15120 of 2019) Mr.Harishankar for Ms.Anusha Peri (in W.M.P.No.42413 of 2026 in W.P.No.15120 of 2019)
For Respondent(s):	Mr.AR.L.Sundaresan, ASGI for Mr.V.Chandrasekaran, SPC assisted by Mr.K.Aadhishankaran (for respondents 29, 30 and 33 in W.M.P.No.32965 of 2026 in W.P.No.15120 of 2019) Mr.Sathish Parasaran, Senior Counsel for Mr.Arun Karthik Mohan, (for R34 in W.M.P.No.42413 of 2026 in W.P.No.15120 of 2019)

Amici Curiae

1. Mr.C.Mohan, Advocate
2. Mr.T.Mohan, Senior Advocate
3. Mr.M.Santhanaraman, Advocate
4. Mr.Rahul Balaji, Advocate

COMMON ORDER

A. The petitions:

Review Application No.253 of 2026 is filed by the *Food Safety and Standards Authority of India, represented by its Chairperson (FSSAI)*, to review the order dated 06.02.2026, passed in W.P.No.15120 of 2019. W.M.P.No.32965 of 2026 in W.P.No.15120 of 2019 is filed by *Pet Packaging Association for Clean Environment (PACE)* and W.M.P.No.42413 of 2026 in W.P.No.15120 of 2019 is filed by the *Federation of All India Packaged Drinking Water Manufacturers Association through its authorised representative (FPDWMA)* to recall the very same order dated 06.02.2026. As such, the matters are connected and heard together and disposed of by this common order.

B. The Proceedings & the Interim Order passed:

2. By the said order dated 06.02.2026, after considering the report filed by the *FSSAI* and their stand, this Court noted that, upon analysis of commercially available bottled drinking water collected from various States, namely Rajasthan, Himachal

Pradesh, Chandigarh, Haryana, Karnataka and Maharashtra, the presence of microplastics in drinking water had been confirmed. It was also reported that sugar and salt, when packed in plastic/polythene packaging, contained higher levels of microplastics.

3. Further, after repeated opportunities and time granted by this Court, the *FSSAI* submitted that further studies were required to conclusively establish the harmful effects of microplastics on human health. It was further noted that the studies placed on record certainly point towards adverse effects, and what is under further investigation and inquiry by the experts/scientists is the quantity that is tolerable by humans and the exact effects on each of the systems in the human body on account of the physiological ingestion of these micro and nano particles inside the human body. Taking note of the directives issued by the Hon'ble Supreme Court of India in *3S and Our Health Society Vs. Union of India & Anr. (W.P.(Civil) No.437 of 2024)*, and while keeping the matter pending in view of the undertaking given by the *FSSAI* to place on record further studies and reports in the matter, this Court issued interim directions that (i) in respect of drinking water sold in plastic/PET bottles, the label shall also contain a declaration that the water may contain microplastics/nano plastics; and (ii) similarly, in respect of sugar and salt, the label shall contain a declaration that the sugar/salt may contain microplastics/nano plastics and the

FSSAI was accordingly directed to issue appropriate notification to all the concerned manufacturers.

4. The order passed by this Court in paragraph No.17 is extracted hereunder for ready reference:

“17. In view thereof, the following directions are issued:-

(i) The respondents including the Food Safety and Standards Authority of India (FSSAI), are directed to issue appropriate notification that all the plastic/PET bottles selling water should contain the label of not less than the font size of 10, in bold, in red colour letters stating that "This water may contain Micro/Nano Plastics" and similarly the sugar and salt that are sold in plastic packaged material stating that "This Sugar/Salt may contain Micro/Nano Plastics";

(ii) The said notification shall be issued within a period of four weeks from the date of receipt of the website uploaded copy of this order;

(iii) The FSSAI shall also issue directions to all the manufacturers/appropriate persons to include the above labeling requirements in labels of their products and enforce the same scrupulously;”

C. The Special Leave Petitions:

5. Aggrieved thereby, the *PACE* (Petitioner in W.M.P.No.32965 of 2026) filed S.L.P. (Civil) Diary No.16829 of 2026, and the said petition was dismissed as withdrawn with liberty to approach this Court. The entire order passed by the Hon’ble Supreme Court of India dated 06.04.2026 is extracted hereunder for ready reference:

“Permission to file the special leave petition is granted.

After arguing for some time, Dr. Abhishek Manu Singhvi, learned senior counsel appearing for the petitioner, upon instructions, states that the present petition may be permitted to be withdrawn leaving it open for the petitioner to approach the High Court by way of an appropriate recall/modification application.

Permission is granted.

The special leave petition is dismissed as withdrawn with liberty as prayed.”

Accordingly, they approached this Court and were impleaded as the party respondents in the main writ petition and are being heard in the matter. They have filed this application to recall the above order dated 06/02/2026.

6. The *FSSAI* also approached the Hon’ble Supreme Court of India but chose to unconditionally withdraw the Special Leave Petition in S.L.P.(Civil) No.16552 of 2026. The order of the Hon’ble Supreme Court of India dated 18.05.2026 is extracted hereunder for ready reference:

“Learned ASG appearing for the petitioners, upon instructions, submits that the present petition may be allowed to be withdrawn.

In view of the submissions made, the Special Leave Petition is dismissed as withdrawn.”

7. It is thereafter, the *FSSAI* has filed the above review application. In view of the unconditional withdrawal of the petition without seeking any liberty, the *FSSAI* gave up/abandoned its grievance regarding the order dated 06.02.2026. However has subsequently filed this review application on the ground that there is no merger of the

order. The review application is not maintainable on the principles of withdrawal without liberty and with reference to merger. It is essential to extract the latest Judgment of the Hon'ble Supreme Court of India in *Satheesh V.K. Vs Federal Bank Ltd.*¹ and paragraph No.35 is extracted hereunder :

“35. We have no doubt that entertaining a special leave petition in a case of the present nature would be contrary to public policy and can even tantamount to sitting in appeal over the previous order of this court which has attained finality. The maxim *interest reipublicae ut sit finis litium* (it is for the public good that there be an end to litigation) would apply in all fours when it is found that proceedings challenging an order were not carried forward by withdrawing the special leave petition and the litigant has returned to the same court after some time mounting a challenge to the self-same order which was earlier under challenge and such challenge had not been pursued. This is a course of action which cannot be justified either in principle or precept.”

(Emphasis supplied)

8. However, considering the fact that the case is a continuing mandamus and that the recall applications filed by *PACE* and *FPDWMA* are being heard on merits, we proceeded to hear the review petition also on merits along with the applications.

D. The Arguments:

9. The detailed arguments made by *Mr.AR.L.Sundaresan*, the learned Additional Solicitor General of India, appearing for *FSSAI*; *Mr.Sathish Parasaran*, the learned Senior

¹ 2025 SCC OnLine SC 2046

Counsel, appearing for *PACE*; and *Mr.Harishankar*, the learned counsel, appearing on behalf of the *FPDWMA*, all have two distinct limbs.

10. The primary submission is that: the *FSSAI* is the authority and can be directed to undertake further studies, and only on the basis of such studies further directions can be given; Both the associations *PACE* and *FPDWMA* representing the manufacturers of the bottle and the suppliers of packaged drinking water can be periodically heard; and all are interested in studying the effects of micro/nano plastics and in continuing such a process of enquiry in an objective manner.

11. There is no quarrel with the said submissions, as we have already permitted the impleading of both the associations as parties. The *FSSAI* is already directed to carry out further studies and submit its reports and proposed actions. The matter is in the nature of continuing mandamus and both *PACE* and *FPDWMA* will also be heard on all issues.

12. The second limb of the argument is that the order dated 06.02.2026, passed by this Court, during the interregnum is disproportionate to the materials already on record and the directions are issued at a stage too premature, with the potential to send shock

waves among consumers and to affect the very business itself. Therefore, they seek to recall or review the Order dated 06.02.2026.

13. *Mr AR.L.Sundaresan*, the learned Additional Solicitor General of India, would submit that *FSSAI*, being the authority under the statute, the Food Safety and Standards Act, 2006 (hereinafter referred to as ‘the Act’), has the duty and mandate to consider the entire issue. The issue must be considered from the viewpoint of food safety for consumers and the regulatory response to potential health risks. At the same time, *FSSAI* considers all stakeholders, including those involved in manufacturing and the business, and at this stage, it is not necessary to resort to such labelling.

14. The learned Additional Solicitor General of India would submit that labelling or other regulatory responses to potential health risks must be proportionate, evidence-based, and carefully considered to avoid public panic or disruptions in supply chains. This Court failed to consider that there is no conclusive proof or scientific evidence demonstrating that micro/nano plastics may cause harmful effects on the human body. He would submit that, on reviewing all materials and research articles, the harmful effects of micro/nano plastics on the human body are not final, and there are also a few contradictory opinions, requiring more in-depth studies. While some studies suggest that exposure to

micro/nano plastics may impact human health, the overall scientific evidence to date does not show that the levels of micro/nano plastics found in food items pose a risk to human health. The quantity of micro/nano plastics the human body can withstand is being researched, and no findings have been arrived at on the quantum.

15. The learned Additional Solicitor General of India would state that while the study of *FSSAI* confirms the presence of micro/nano plastics in packaged drinking water bottles, it does not confirm whether micro/nano plastics are leached only from the packaging materials. It may also be due to the source of water and environmental factors. The same is the case with reference to salt and sugar. The learned Additional Solicitor General of India would further submit that no country has released any regulations in respect of micro/nano plastics. It is an emerging contaminant, and research on its impact on human health is still not conclusive. There is no requirement in any country throughout the world to include such a label as has been directed by this Court. Such a requirement would thus be impracticable and would impose an additional burden on the food business operators. There is a possibility that such labelling may cause panic among foreign nationals when they arrive in India and find such labelling on the food articles.

16. *Mr.Sathish Parasaran*, the learned Senior Counsel appearing for the *PACE*, would submit that the association would place on record the manner in which these pet bottles are manufactured, the relevant standards applied, and the various literature on the subject, all of which can be considered by this Court. Since the order dated 06.02.2026 was passed without considering their viewpoint, this Court must recall it. The learned Senior Counsel, pointing to the World Health Organisation report on microplastics in drinking water, would submit that, as per the same, there is no evidence of a human health concern. The study also suggests that using plastics in certain fields is a priority, as it reduces other significant risks to human health from drinking water. The learned Senior Counsel would submit that the Bureau of Indian Standards have framed the Indian standards for containers for packaging of natural mineral water and packaged drinking water, and the specifications are given, which the petitioner/association and its members are following. The standards are prescribed in detail and also prescribe a migration test, and the maximum extraction values for the container material are prescribed, not to exceed 10 mg dm² and 60 mg/l.

17. The learned Senior Counsel would then rely upon IS 12252:1987, which prescribes the “specification for Polyalkylene Terephthalates (PET and PBT) for their safe use in contact with foodstuffs, pharmaceuticals and drinking water”, and would point out

Clause 3.4 thereof, which deals with overall migration and also prescribes the same standards. He would further submit that, as per Section 18 (1) (d) of the Act, the measures shall be proportionate and no more restrictive of the trade than is required to achieve the appropriate level of health protection, and regard should be had to the technical and economic feasibility and other factors regarded as reasonable and proper in the matter under consideration. He would also rely upon the Judgment of the Hon'ble Supreme Court of India in *Priyadarshini Dental College and Hospital v. Union of India & Ors.*² to contend that when there is an authority, viz., FSSAI, which is there to perform its duty under the Act, the Court's directions cannot supplant the said authority, and even if there is any inaction, it can only direct the authority to come up with the regulations.

18. The learned Senior Counsel would submit that such premature labelling would drive customers to other options, such as glass bottles, which, on account of packaging by way of corks, may contain even more particles or other materials that may be dangerous to health. He further referred to Section 3(1)(zz) of the Act with reference to "unsafe food" and submitted that, in the instant case, the packaged drinking water cannot be termed as unsafe food. Referring to Section 16 of the Act, including food labelling standards, the learned Senior Counsel would submit that FSSAI is mandated to act.

² (2011) 2 SCC 485

19. The learned Senior Counsel would take this Court through the Food Safety and Standards (Packaging) Regulations, 2018, and the Food Safety and Standards (Labelling and Display) Regulations, 2020, to contend that the petitioners' products are in full compliance with the regulations occupying the field. There is no labelling mandate with reference to micro/nano plastics.

20. *Mr.Harishankar*, learned counsel appearing on behalf of the *FPDWA* would first rely upon the relevant standards, viz., IS 12252:2017 – “Polyalkylene Terephthalates (PET and PBT), their Copolymers and List of Constituents in Raw Materials and End Products for their Safe Use in Contact with Foodstuffs and Pharmaceuticals.” He would submit that even the basic raw materials that may be used are specifically prescribed under Clause 4.2 of IS 12252:2017. He would further submit that, in the absence of any study, including the FSSAI study, showing that the microplastics found in the water are solely due to the containers, the directions on the label would be unsustainable. Given the plastics and PET bottles strewn across water sources, it is possible that the water sources from which the water bottle is packaged may also contain microplastics. Therefore, projecting that PET bottles alone contain microplastics would only send incorrect information to the

public, and such erroneous labelling is contrary to the very objects of the Food Safety and Standards Act, 2006.

21. We also had the benefit of assistance from the learned *amici* appearing in this matter. *Mr.C.Mohan*, the learned Amicus Curiae, would place on record the grounds raised by the *FSSAI* before the Hon'ble Supreme Court of India in the case of ***3S and Our Health Society's*** case (cited *supra*), the subsequent compliance affidavit, and the specific orders passed by the Hon'ble Supreme Court of India rejecting their case that further studies should be undertaken and that only thereafter the labelling can be done. The series of orders passed in the above case by the Hon'ble Supreme Court of India were placed on record.

22. *Mr.Rahul Balaji*, the learned *Amicus Curiae*, would take this Court to the various provisions of the Act with reference to the definitions and would submit that, in the teeth of the provisions of the Act, it must be seen that informing the consumers about what is in the contents is the barest mandatory minimum that should have been done by the *FSSAI*, long back, even prior to the directions of this Court. A combined reading of the various sub-sections of 18 of the Act would bring home the same.

23. *Mr.T.Mohan*, the learned Senior Advocate - Amicus Curiae appearing in the matter, would submit that it is not as if the Court issued directions at the outset and, only after repeated opportunities were given to the *FSSAI*, the *FSSAI* did not move an inch; the above order was passed on account of the illegality committed by the *FSSAI* in not performing its statutory duties.

24. *Mr.Yogeshwaran*, the learned Amicus Curiae, would submit that the concept of migration and the level prescribed therein would not be applicable to microplastics. Microplastics/nano plastics are physically dispersed as contaminants, and they cannot be described as migration. This is a completely different concept.

E. Analysis & Findings:

25. At the outset, the arguments regarding ‘unsafe food’ and the requirement for further studies to declare the food as unsafe do not merit consideration, as this Court has neither declared packaged drinking water, sugar or salt to be unsafe food nor expressed any opinion in that direction. As rightly contended, those questions may arise at a later stage as further studies are being directed and conducted to ascertain the tolerance level of micro/nano plastics in the human body. What is directed by the above order is only labelling.

26. It must be made clear that the *FSSAI*, *PACE* and *FPDWMA* all admit and do not deny the presence of micro / nano plastics in packaged water/sugar or salt. If something is present inside, it would be mandatory to disclose it on the label. The core principle behind levelling is disclosure of information/truth. The arguments require sweeping inconvenient facts under the carpet because of a perceived commercial backlash.

27. The further contention is that the labelling direction at this stage is premature and disproportionate. In this regard, the various definitions contained in the Food Safety and Standards Act, 2006 must be considered. Section 3 (1)(u) defines the term ‘hazard’, which is extracted hereunder:

“hazard” means a biological, chemical or physical agent in, or condition of, food **with the potential** to cause an adverse health effect.”
(Emphasis supplied)

28. Thus, micro/nano plastics, being the physical agent capable of posing a hazard, at least have the potential to cause adverse health effects, as the potential to cause adverse health effects is not denied. All studies confirm that these bio-non-degradable particles, once inside the body, pass through body barriers into the bloodstream and, as a contaminant, move through blood vessels into other organs. Even placental samples and breast milk contained these particles. Thus, there can be no dispute over the ‘plausible

biological mechanism'. Further studies are on, only in respect of the 'definitive epidemiological proof' to confirm various harmful effects. From the initial literature relied upon by the *FSSAI* for going ahead with their project and the various studies so far being undertaking in India and globally and the scientific literature, including the ones produced by the learned Counsel for *PACE* and *FPDWMA*, it can be seen that the studies are on, with reference to potential :

(i) **Digestive and gastrointestinal effects:** MNPs may enter the gastrointestinal tract through ingestion and may cause alteration of intestinal cells, reduced cell viability, oxidative stress, mitochondrial dysfunction, apoptosis and disturbance of gut microbiota. Studies also indicate possible effects on lipid metabolism, digestion and liver-cell function.^{3 4 5}

3 World Health Organization, *Microplastics in Drinking-water*, Geneva: World Health Organization, 2019, ISBN 978-92-4-151619-8.

[The report examines the occurrence of microplastics in drinking-water, exposure, possible health implications, toxicological evidence and the limitations of the available evidence]

4 World Health Organization, *Dietary and inhalation exposure to nano- and microplastic particles and potential implications for human health*, Geneva: World Health Organization, 2022.

[The report examines exposure through food, drinking-water and air and reviews evidence concerning gastrointestinal, respiratory, reproductive, metabolic and other possible health effects, while emphasising the substantial uncertainties in the current evidence base]

5 Surya Singh & Rajnarayan R. Tiwari, "Micro/nanoplastics and human health: A review of the evidence, consequences, and toxicity assessment", *Food and Chemical Toxicology*, Vol. 203 (2025), Article 115595, DOI: 10.1016/j.fct.2025.115595.

(ii) Cardiovascular effects: The literature also reports the detection of MNPs in human cardiovascular tissues and identifies possible links with cardiovascular injury and inflammatory responses.⁶ (Also refer footnote Nos.4 and 5)

(iv) Renal and excretory effects: Studies involving human kidney cells indicate that MNPs may be taken up by renal cells and may cause oxidative stress, mitochondrial disturbances, altered cellular morphology and metabolism, apoptosis and autophagy, thereby raising concerns regarding possible renal toxicity. (Refer footnote No.5)

(v) Reproductive and developmental effects: The available literature reports possible effects on sperm motility, sperm morphology and membrane integrity, DNA integrity, oxidative stress and mitochondrial activity. Studies also indicate that MNPs may reach the placenta and fetal tissues. These findings raise concerns regarding reproductive and developmental health, although the extent of the risk to humans requires further investigation. (Refer footnote Nos.4 and 5)

(vi) Neurological effects: MNPs may cross biological barriers and may potentially reach the brain. Studies have reported oxidative stress, altered cell viability and morphology, impaired cellular proliferation and apoptosis in neurological models. The presence of MNPs in human brain samples and their possible association with neurological disorders

6 https://www.newindianexpress.com/lifestyle/health/2026/Sep/14/microplastics-in-blood-small-in-size-big-in-threat#goog_rewarded.

have also been reported, but a definite causal relationship has not yet been established.

(Refer footnote No.5)

(vii) Endocrine and metabolic effects: Plastic-associated chemicals and additives, including bisphenol A (BPA), phthalates and PBDEs, may interfere with endocrine functions. Reported concerns include obesity, metabolic abnormalities, thyroid-related effects, developmental effects and disruption of the hypothalamic-pituitary-gonadal axis, including possible effects on fertility. These effects must, however, be distinguished from effects caused directly by the MNP particle itself. (Refer footnote Nos.4 and 5)

(viii) Cellular and molecular effects: Across the studies reviewed, the principal biological effects reported include cytotoxicity, reduced cell viability, oxidative stress, inflammatory responses, genotoxicity, mitochondrial dysfunction, altered cellular metabolism and changes in protein structure or function. (Refer footnote Nos.4 and 5)

(ix) Possible long-term and carcinogenic concerns: The literature raises concerns that prolonged exposure to MNPs or chemicals associated with plastics may contribute to chronic inflammation, oxidative stress, DNA damage and other cellular changes that could have long-term health implications.[2][3](i) damage to cardiovascular tissues and thus enhancing the chances of cardiovascular diseases; (ii) impact of the particles being part of the organs such as brain in the human embryo when it is formed and whether it is a factor

to cause cancer; (iii) the extent of tolerance and the damage to the reproductive system more specifically spermatids; (iv) Cancer causing; etc.

29. The term ‘risk’ is defined under Section 3(1) (zm), and the same is extracted hereunder:

“risk”, in relation to any article of food, means the ***probability of an adverse effect*** on the health of consumers of such food and the severity of that effect, consequential to a food hazard”

Thus, it can be seen that it is the ‘*probability of an adverse effect*’ on the health of the consumers that is considered to be at risk. It is not the case of *FSSAI*, *PACE* or *FPDWMA* that the apprehended adverse effects are improbable.

30. The definition of risk assessment and more specifically risk communication and risk management under Section 3(1) of the Act are extracted hereunder:

“(zo) “risk assessment” means a scientifically based process consisting of the following steps : (i) hazard identification,(ii) hazard characterisation; (iii) exposure assessment, and (iv) risk characterisation;

(zp) “risk communication” means the interactive exchange of information and opinions throughout the risk analysis process concerning risks, risk-related factors and risk perceptions, among risk assessors, risk managers, consumers, industry, the academic community and other interested parties, including the explanation of risk assessment findings and the basis of risk management decisions;

(zq) “risk management” means the process, distinct from risk assessment, of evaluating policy alternatives, in consultation with all interested parties considering risk assessment and other factors relevant for the protection of health of consumers and for the promotion of fair trade practices, and, if needed, selecting appropriate prevention and control options;”

31. On careful consideration of the above, it is clear that the hazard has been identified and that only the further steps remain. It is also evident that risk communication is considered even during the risk analysis process. Further, under Section 16 of the Act, FSSAI is mandated to frame labelling standards. However, FSSAI has not mandated the disclosure of information on the label, despite repeated directions of this Court to come up with the measures. Therefore, the argument that the directions are premature cannot be countenanced.

32. With regard to proportionality, it is essential to consider Section 18 of the Act; the same is extracted hereunder for ready reference:

“18. General principles to be followed in Administration of Act.

The Central Government, the State Governments, the Food Authority and other agencies, as the case may be, while implementing the provisions of this Act shall be guided by the following principles namely:-

(1) (a) endeavour to achieve an appropriate level of protection of human life and health and the protection of consumer's interests, including fair practices in all kinds of food trade with reference to food safety standards and practices;

(b) carry out risk management which shall include taking into account the results of risk assessment and other factors which in the opinion of the Food Authority are relevant to the matter under consideration and where the conditions are relevant, in order to achieve the general objectives of regulations;

(c) where in any specific circumstances, on the basis of assessment of available information, the possibility of harmful effects on health is identified but scientific uncertainty persists, provisional risk management measures necessary to ensure appropriate level of health protection may be adopted, pending further scientific information for a more comprehensive risk assessment;

(d) the measures adopted on the basis of clause (c) shall be proportionate and no more restrictive of trade than is required to achieve

appropriate level of health protection, regard being had to technical and economic feasibility and other factors regarded as reasonable and proper in the matter under consideration;

(e) The measures adopted shall be reviewed within a reasonable period of time, depending on the nature of the risk to life or health being identified and the type of scientific information needed to clarify the scientific uncertainty and to conduct a more comprehensive risk assessment;

(f) in cases where there are **reasonable grounds to suspect** that a food may present a risk for human health, then, depending on the nature, seriousness and extent of that risk, the Food Authority and the Commissioner of Food Safety shall take appropriate steps to inform the general public of the nature of the risk to health, identifying to the fullest extent possible the food or type of food, the risk that it may present, and the measures which are taken or about to be taken to prevent, reduce or eliminate that risk; and

(g) where any food which fails to comply with food safety requirements is part of a batch, lot or consignment of food of the same class or description, it shall be presumed until the contrary is proved, that all of the food in that batch, lot or consignment fails to comply with those requirements.

(2) The Food Authority shall, while framing regulations or specifying standards under this Act—

(a) take into account —

(i) prevalent practices and conditions in the country including agricultural practices and handling, storage and transport conditions; and

(ii) international standards and practices, where international standards or practices exist or are in the process of being formulated, unless it is of opinion that taking into account of such prevalent practices and conditions or international standards or practices or any particular part thereof would not be an effective or appropriate means for securing the objectives of such regulations or where there is a scientific justification or where they would result in a different level of protection from the one determined as appropriate in the country;

(b) determine food standards on the basis of risk analysis except where it is of opinion that such analysis is not appropriate to the circumstances or the nature of the case;

(c) undertake risk assessment based on the available scientific evidence and in an independent, objective and transparent manner;

(d) ensure that there is open and transparent public consultation, directly or through representative bodies including all levels of panchayats, during the preparation, evaluation and revision of regulations, except where it is of opinion that there is an urgency concerning food safety or

public health to make or amend the regulations in which case such consultation may be dispensed with : Provided that such regulations shall be in force for not more than six months;

(e) **ensure protection of the interests of consumers and shall provide a basis for consumers to make informed choices in relation to the foods they consume;**

(f) ensure prevention of –

(i) fraudulent, deceptive or unfair trade practices which may mislead or harm the consumer; and

(ii) unsafe or contaminated or sub-standard food.

(3) The provisions of this Act shall not apply to any farmer or fisherman or farming operations or crops or livestock or aquaculture, and supplies used or produced in farming or products of crops produced by a farmer at farm level or a fisherman in his operations”

(Emphasis supplied)

33. Thus, it can be seen that, in cases where scientific uncertainty persists, provisional risk-management measures necessary to ensure an appropriate level of health protection should be adopted. The measure should not be disproportionate and should not be restrictive of trade than what is required to achieve the appropriate level of health protection. The measures should be reviewed within reasonable period of time. More specifically, Section 18(1)(f) of the Act fastens a mandate upon the FSSAI to inform the general public of the nature of the risk to health. Further, Section 18 (2) (e) requires the right of ‘informed choice’ to be ensured. The choice of the words and phrases that the Parliament has used in the relevant provisions is the key factor in determining the disproportionality. The words are ‘*potential*’ and not ‘actual’; ‘*probable*’ rather than ‘certain’; and ‘*reasonable grounds to suspect*’ rather than ‘with adequate proof’. Thus, the directions cannot be termed as disproportionate.

34. The further argument is that microplastics may be present in the very sources of the water. In this regard, the manufacturers of packaged drinking water undertake to adopt a foolproof process of filtering, treating, and then packaging the water. However, they have not supported this assertion with any test. If, after the process they adopt, the water is tested just before packaging and found to contain microplastics, then the arguments have some logic. In any event, irrespective of the source, if micro/nano plastics are found in the water inside the bottle, the consumer should be informed. Thus, these arguments are totally without merit.

35. The further argument that the developed countries do not have such a labelling again cannot be countenanced for the following reasons: (a) When the law of the land requires such a labelling and when it is essential for the health of the consumers, such an argument is untenable; (b) In all the developed countries, water in the respective taps is potable and is consumed, whereas in our country, it is considered to be unsafe. Consumption is unique, as households buy and stock crates of bottles; (c) PET bottled water is the predominant option at meetings, conferences, weddings, functions, and during travel; (d) The PET usage in developed countries is more related to soft drinks, soda and other beverages, and thus the situation is not comparable; (e) The predominant practice in developed countries is the everyday habit of carrying personal

containers/bottles/coolers/flasks; (f) India consumed about 1.9 million tonnes of PET in 2024-25, of which bottles were 92% — up from 1.10 million tonnes in 2020-21, growing 12-14% a year.(g) The conditions of use, from hot and humid temperatures to extremely cold ones, and the ways of storage and handling are also unique and not comparable with any other jurisdiction; (h) Counterfeiting, including refilling, is another peculiar problem. Therefore, this is a grave and important concern for our country, and no comparison can be made with other countries. We have already observed in our order dated 06.02.2026 that even placentas contain micro/nanoplastics and that, if such particles cross the placenta and become part of the developing embryo, the situation is indeed grim.

36. Thus, only after considering the conspectus of facts, the order dated 06.02.2026, without causing any aspersions on safety or causing the least alarm, ordered only the barest essential minimum, namely informing the consumer that the food may contain micro/nano plastics. We carefully considered the balance of convenience in our order dated 06.02.2026 and found that this is the barest essential minimum required at this stage, while the FSSAI proceeds with further enquiry relating to the risk assessment.

37. In such circumstances, the review/recall petitioners' contention as to how far human beings can withstand and tolerate micro/nano plastic particles should be first determined becomes redundant. The above order was passed only to enable consumers to make an informed choice. The dictum laid down by the Hon'ble

Supreme Court of India in *3S and Our Health Society's* case (cited *supra*) guides us and the Order passed is in tune with the same. *Dehors* the question of maintainability or absence of grounds of review *stricto sensu*, still, on an elaborate and open reconsideration of the issue, we do not find the directions premature or disproportionate. The order, however, will be subject to further hearing of all the parties and continuation of the studies in this regard. Therefore, we see no reason or ground to review or recall the order dated 06.02.2026.

F. The Result:

38. In the result, this Review Petition and the miscellaneous petitions to recall the order are dismissed. No costs. The connected miscellaneous petitions stand closed.

[N.S.K.J.,] [D.B.C.J.,]
28.09.2026

Neutral citation :Yes

Jer

To

1. The Principal Secretary to Government of Tamil Nadu,
Environment and Forest Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The District Collector,
The Nilgiris District,
Collectorate, Ooty – 643 001.

3. The Commissioner,
Udhagamandalam Municipality,
Ooty, The Nilgiris District.
4. The Commissioner,
Coonoor Municipality,
Coonoor, The Nilgiris District.
5. The Commissioner,
Gudalur Municipality,
Gudalur, The Nilgiris District.
6. The Commissioner,
Kotagiri Town Panchayath,
Kotagiri,
The Nilgiris District.
7. The Field Director,
Mudumalai Tiger Reserve,
Mount Stuart Hill,
Ooty, The Nilgiris.
8. The District Forest Officer
The Nilgiris District,
Mount Stuart Hill,
Ooty – 643 001.
9. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.
10. The Principal Secretary to Government,
Transports Department,
Secretariat, Fort St. George,
Chennai – 600 009.

11. The Transport Commissioner,
Government of Tamil Nadu,
Commissionerate of Transport and Road Safety,
Ezhilagam, PWD Estate,
Chepauk, Triplicane, Chennai – 600 005.
12. The Principal Secretary,
Department of Municipal Administration,
Urban and Water Supply, Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai – 600 009.
13. The Additional Chief Secretary,
Department of Tourism,
Culture and Religious Endowments Department,
Government of Tamil Nadu, Secretariat,
Fort St. George, Chennai – 600 009.
14. The Secretary to the Ministry of Road Transport and Highways,
Transport Bhawan, No.1, Parliament Street, New Delhi – 110 001.
15. Tamil Nadu Pollution Control Board,
Represented by its Chairman,
No.76, Mount Salai, Guindy, Chennai – 600 032.
16. The Secretary to Government,
Ministry of Health and Family Welfare,
Government of India, Nirman Bhawan, New Delhi – 110 003.
17. The Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Government of India, Indira Paryavaran
Bhawan, Jorbagh Road, New Delhi – 110 003.
18. The Secretary to Government,
Health and Family Welfare Department,
Government of Tamil Nadu, Fort St. George, Chennai – 600 009.

Review Application No.253 of 2026
& W.M.P.Nos.32965 and 42413 of 2026 in W.P.No.15120 of 2019
and W.M.P.No.42260 of 2026

N. SATHISH KUMAR. J.

AND

D. BHARATHA CHAKRAVARTHY. J.

Jer

**Review Application No.253 of 2026 &
W.M.P.Nos.32965 and 42413 of 2026 in W.P.No.15120 of 2019**

28.09.2026