



IN THE HIGH COURT OF ORISSA AT CUTTACK

A.F.R.

W.P.(C) No.10477 of 2025

(In the matter of an application under Articles 226 and 227 of the Constitution of India, 1950).

M/s. Indo Nissin Foods Pvt. Ltd., *Petitioner(s)*
Bangalore

-versus-

Food Safety and Standards *Opposite Party (s)*
Authority of India & Ors.

Advocates appeared in the case through Hybrid Mode:

For Petitioner(s) : *Mr. Sumit Lal, Advocate*

For Opposite Party (s) : *Mr. Sanjay Rath, AGA.*

CORAM:

DR. JUSTICE S.K. PANIGRAHI

DATE OF HEARING:-02.05.2025

DATE OF JUDGMENT:-20.06.2025

Dr. S.K. Panigrahi, J.

1. The Petitioner, in the present Writ Petition, challenges the continued adjudication of Adjudication Case No.2 of 2016 before the learned Additional District Magistrate-cum-Adjudicating Authority, Cuttack, on the ground that it is arbitrary, unlawful, and in violation of the order dated 31.03.2016 issued by the Food Safety and Standards Authority of India (FSSAI) / Opposite Party No.1.



I. FACTUAL MATRIX OF THE CASE:

2. The brief facts of the case are as follows:
- (i) The petitioner is a multinational company engaged in the business of fast-moving consumer goods, with its registered office located at No. 1102, 11th Floor, Raheja Towers, West Wing, 28 M.G. Road, Bangalore 560001.
 - (ii) On 09.06.2015, at approximately 11:30 A.M., the Food Safety Officer conducted an inspection of the business premises of Accused No. 2. At the time of inspection, the Depot In-Charge, Mr. Abhisek Agarwal, was present and was found conducting transactions involving food articles relating to Indo Nissin products.
 - (iii) The Food Safety Officer disclosed his identity to Mr. Agarwal and communicated his intention to inspect the food articles displayed for sale. During the course of inspection, stocks of 'Top Ramen Masala - Instant Noodles' and 'Top Ramen Curry Veg - Saucy Flat Noodles' in 280-gram poly packs were found stored at the premises.
 - (iv) The Food Safety Officer served a notice in Form VA under Rule 2.4.1(3) of the Food Safety and Standards Rules, 2011, upon Mr. Abhisek Agarwal, and proceeded to purchase eight 280-gram poly packs of each variety of the noodles. All requisite formalities concerning the packing and sampling of the purchased items were duly completed by the Food Safety Officer.
 - (v) On the following day, i.e., 10.06.2015, a portion of each sample was forwarded by the Food Safety Officer to the Office of the City Health Officer, Cuttack Municipal Corporation, Cuttack, for further analysis.



- (vi) Pursuant to the direction of the Food Safety Commissioner, Odisha, the Food Safety Officer forwarded one part of the sample to the Director, State Public Health Laboratory, Pune. In compliance with the said direction, the Director issued Report Nos. D.O.-72/15/388/2015 and D.O.-73/15/389/2015, wherein it was opined that the sample of 'Top Ramen Masala' was substandard. The report recorded the presence of Monosodium L-Glutamate (MSG) in the sample, despite the product label bearing the declaration 'No added MSG (poly)', thereby contravening Regulation 2.3.1(5) of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011.
- (vii) The analysis report was thereafter forwarded to the petitioner. Subsequently, the Food Safety Officer placed all relevant documents before the City Health Officer-cum-Designated Officer, Cuttack Municipal Corporation, Cuttack, for obtaining written consent to prosecute. Upon receipt of the requisite consent, a case came to be instituted against the petitioner in the court of the Additional District Magistrate-cum-Adjudicating Authority, Cuttack/ Opposite Party No. 3.
- (viii) Upon receipt of notice from the office of Opposite Party No. 3, the petitioner entered appearance through its counsel and submitted a representation under Rule 3.1.1(6) of the Food Safety and Standards Rules, 2011, categorically denying the allegations made in the adjudication petition.
- (ix) During the pendency of the adjudication proceedings, Opposite Party No. 1 issued an order dated 31.03.2016 (File No. 1(105)Maggi



Noodles/2015/FSSAI (Part-I)), clarifying that glutamate occurs naturally in various foods such as milk, spices, wheat, and vegetables. It was stated that Monosodium Glutamate (MSG), a sodium salt of glutamic acid, is one such form of glutamate, and that no analytical method currently exists to conclusively determine whether MSG in a product is naturally present or added. Such determination, it was noted, may only be made through inspection of the manufacturing premises. The order directed that enforcement action be initiated only where the label explicitly states 'NO MSG' or 'NO ADDED MSG' and MSG is subsequently detected.

- (x) Relying on the aforesaid order, the petitioner filed a petition dated 01.11.2016 before Opposite Party No. 3, seeking dismissal of the adjudication proceedings on the ground that their continuation would amount to an abuse of process of law. Although the hearing on the said petition was concluded, no order was passed.
- (xi) Upon inquiry at the office of the Additional District Magistrate, the petitioner was informed that a response had been sought from the Commissioner, Food Safety. In the absence of any effective alternative remedy, the petitioner reiterated its request by filing a subsequent petition dated 04.12.2018.
- (xii) Aggrieved by the prolonged non-disposal of its petitions dated 01.11.2016 and 04.12.2018, and having no efficacious alternative remedy, the petitioner has approached this Court by way of the present Writ Petition.



II. SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. Learned counsel for the Petitioner earnestly made the following submissions in support of his contentions:
- (i) The petitioner submitted that the continuation of the adjudication proceedings is wholly unjustified, arbitrary, and in direct contravention of the statutory directives issued by Opposite Party No. 1, a statutory authority constituted under the Food Safety and Standards Act, 2006. The order dated 31st March 2016, issued by Opposite Party No. 1, clearly establishes that the mere presence of Monosodium Glutamate in a product does not, by itself, warrant prosecution. Prosecution can only be initiated if it is conclusively determined that Monosodium Glutamate (Flavour Enhancer INS E-621) was deliberately added during the manufacturing process without the requisite disclosure on the product label.
 - (ii) The petitioner further contended that, despite having filed petitions dated 01.11.2016 and 04.12.2018 seeking relief in line with the directives issued by the FSSAI, the Opposite Party No. 3 has failed to take any decision thereon, in violation of the principles of natural justice. The petitioner asserted that the adjudication proceedings, which are required by statute to be concluded within 90 days, have remained pending for over nine years without justification. Such prolonged and unexplained delay renders the process arbitrary, oppressive, and legally unsustainable, causing serious prejudice and warranting the intervention of this Court.



- (iii) The petitioner submitted that the prolonged pendency of the case has caused severe prejudice, as it continues to be subjected to unwarranted legal proceedings despite the existence of a binding order dated 31.03.2016 issued by the FSSAI.
- (iv) The petitioner contended that the delay has resulted in significant reputational damage, particularly given its status as a multinational company engaged in the manufacture and sale of fast-moving consumer goods. Furthermore, the petitioner has been left in a state of legal uncertainty, as the adjudication proceedings remain pending notwithstanding the clear regulatory stance taken by the FSSAI.
- (v) The petitioner contended that it is a well-established principle of law that justice delayed is justice denied. The failure of the Opposite Parties to conclude the proceedings within the statutorily prescribed time frame constitutes a gross violation of the petitioner's fundamental rights under Article 14 of the Constitution of India, as it subjects the petitioner to an arbitrary, unreasonable, and oppressive legal process.

III. SUBMISSIONS ON BEHALF OF THE OPPOSITE PARTIES:

- 4. The Learned Counsel for the Opposite Parties earnestly made the following submissions in support of his contentions:
 - (i) The learned Additional District Magistrate-cum-Adjudicating Authority under the Food Safety and Standards Act, Cuttack, acknowledged the delay in concluding the adjudication proceedings. It was accepted that, under the statutory mandate of the Food Safety and Standards Act, 2006 and the Rules framed thereunder, such proceedings are required to be concluded within 90 days from the date



of initiation. However, in the present case, the matter has remained pending for over nine years.

IV. COURT'S REASONING AND ANALYSIS:

5. Heard learned counsel for the parties and perused the materials on record.
6. The primary issue for consideration in the present Writ Petition is whether the continuation of Adjudication Case No. 2 of 2016 before the Additional District Magistrate-cum-Adjudicating Authority, Cuttack, despite the passage of more than nine years, is legally sustainable in view of the statutory framework governing adjudication under the Food Safety and Standards Act, 2006 and the Rules framed thereunder.
7. At the outset, this Court is constrained to observe that the scope of the present petition does not extend to a detailed examination of the allegations concerning the presence of Monosodium Glutamate in the petitioner's product. The limited focus of this Court is on the wholly unexplained and inordinate delay in the adjudication proceedings, which, by law, are required to be concluded within a stipulated timeframe.
8. As per the Food Safety and Standards Act, 2006, and the Food Safety and Standards Rules, 2011, adjudication proceedings are to be concluded expeditiously, and in any event, within 90 days from the date of the first hearing.
9. Rule 9 of the Food Safety and Standards Rules, 2011 clearly stipulates as follows:



"9. The Adjudicating Officer shall then give an opportunity to such person or persons to produce such documents or evidence as he may consider relevant to the inquiry and if necessary the hearing may be adjourned to a future date: Provided that the notice referred to in Rule 3.1.1. (6) may, at the request of the person concerned, be waived: Provided further that the Adjudicating Officer shall pass the final order within 90 days from the date of first hearing mentioned in Rule 3.1.1(8) above."

10. The statutory scheme envisages a time-bound conclusion of adjudication proceedings, recognising that undue delay in regulatory enforcement undermines both procedural fairness and the efficacy of the statutory framework.
11. However, in the present case, the proceedings have remained pending since the year 2015, a period exceeding nine years. This Court is at a loss to understand as to how such an extraordinary delay has occurred and, more alarmingly, how has it continued unchecked. The record discloses that despite the petitioner having filed representations in 2016 and again in 2018, no final order has been passed to date. Such administrative inaction is not only indefensible but also reflects a disturbing disregard for procedural discipline.
12. It must be underscored that the timelines prescribed under the Rules are not ornamental. They are not merely directory but reflect the legislative intent to ensure prompt and effective adjudication in regulatory matters. Undue delay defeats the very object of such proceedings and undermines the credibility of the adjudicatory framework.



13. This Court strongly deprecates the laxity displayed by Opposite Party No. 3 in the discharge of its statutory obligations. The prolonged pendency, without justification or explanation, is symptomatic of administrative apathy and must be corrected. Legal proceedings cannot be allowed to linger in perpetuity, particularly when the law mandates a clear deadline for disposal.

V. CONCLUSION:

14. In light of the foregoing analysis and having regard to the inordinate, unexplained, and legally impermissible delay in concluding Adjudication Case No. 2 of 2016, this Court is of the considered view that the prolonged pendency of the proceedings amounts to an abuse of process. While the merits of the case must be adjudicated in accordance with law, the delay of over nine years is wholly unacceptable and undermines the very purpose of the adjudicatory mechanism envisaged under the Food Safety and Standards Act, 2006.
15. The Additional District Magistrate-cum-Adjudicating Authority, Cuttack (Opposite Party No.3), is directed to hear and finally dispose of Adjudication Case No. 2 of 2016 within a period of one month from the date of receipt of a certified copy of this order, without fail.
16. Considering the exceptional delay and the resultant prejudice caused to the petitioner, this Court deems it just and proper to impose costs. Accordingly, the Opposite Party No.3 is directed to pay a sum of ₹25,000 (Rupees Twenty-Five Thousand only) to the Petitioner within a period of four weeks from today.



17. Accordingly, the Writ Petition is allowed in part.
18. Interim order, if any, passed earlier stands vacated.

(Dr. S.K. Panigrahi)
Judge

Orissa High Court, Cuttack,
Dated the 20th June, 2025