



W.P. No.7485/2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 02.03.2026

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.7485 OF 2026

AND

W.M.P. NOS. 8069 & 8070 OF 2026

M/s.International Flavours &
Fragrances India Pvt. Ltd.
Rep. By its Director, Shri A.Saravanan
Flavour Division, 720, EMC-2nd Avenue
Sricity, Andhra Pradesh 517 646.

.. Petitioner

- Vs -

1. The Chief Executive Officer
Food Safety & Standards Authority
Of India (FSSAI), Trade & International
Co-operation Division – TICD
FDA Bhawan, Kotla Road, New Delhi 110 002.
2. The Director (SRO)/Review Officer (Imports-WR)
Food Safety and Standard Authority of India (FSSAI)
Central Documentation Complex (South Wing)
Chennai Port Trust, Rajaji Salai
Chennai 600 001.
3. The Director (Science & Standards)
Food Safety Safety & Standards Authority
Of India (FSSAI), Trade & International
Co-operation Division – TICD
FDA Bhawan, Kotla Road, New Delhi 110 002.

.. Respondents



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Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order No.66/2025 dated 05.02.2026 in File No.01/FSSAI/TICD/2025 (APPEAL) passed by the 1st respondent and quash the same and further direct the concerned authorised officer to issue No Objection Certificate for clearance of goods imported vide Bill of Entry No.5170440 dated 17.10.2025.

For Petitioner : Mr. Hari Radhakrishnan

For Respondents : Mr. K.R.Samrat, Sr. Panel Counsel

ORDER

Rejection of the No Objection Certificate by the 1st respondent for releasing the imported goods vide the impugned rejection order dated 5.2.2026, the present petition has been preferred by the petitioner.

2. It is the case of the petitioner that it is engaged in the business of manufacture and sale of flavours and fragrances. In the course of their business, the petitioner imported the products described as 'Air Dried Leaves 0.4 – 0.8 mm HT Q2/Petroselinum Crispum (IPC 00336585), Batch



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No.2244949” through Chennai Sea Port vide Bill of Entry No.5170440 dated 17.10.2025, which are used for the manufacture of mixed seasoning.

3. It is the further case of the petitioner that prior to clearance of the imported goods, samples were drawn and sent for testing on 27.10.2025 to the National Food Laboratory, where the said goods upon being subjected to tests, were found non-compliant in terms of Regulation 2.3.1 of the Food Safety and Standards (Contaminants, Toxins and Residues) Regulations, 2011 (for short ‘Regulations, 2011’) on the ground that they exceeded residues of certain chemicals over and above the prescribed standard and the said report concluded that the said imported goods were unsafe for human consumption as per Section 3 (1)(zz)(xii) of the Food Safety and Standards Act, 2006 (for short ‘FSSAI Act’) and, thereby, the rejection order dated 1.11.2025 was passed by the authorized officer.

4. It is the further case of the petitioner that the said goods were subsequently retested by the Regerral Laboratory and test certificate dated 17.11.2025 was issued in which the samples were again reported as non-conforming on the ground that the pesticides in the said samples were more



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than the specified limits and based on the said rejection report the order was passed.

5. It is the further case of the petitioner that first review dated 17.11.2025 was filed in Form-6 to the Review Officer, Southern Region, wherein the petitioner relied on the FSSAI Clarification dated 11.01.2021 F. No.01-SP(PAR)-Notification-Pesticide/Std-FSSAI/2017 (Pt-I) and submitted that the subject goods had undergone thermal processing (Steam Heat Treatment) and, therefore, the Maximum Residue Limits (for short 'MRL') prescribed for raw agricultural commodities d not apply to thermally processed products.

6. It is the further averment of the petitioner that the 2nd respondent rejected the first review vide order dated 27.11.2025 on the ground that FSSAI order dated 8.4.2024 relating to maximum residue limit for spices and culinary herbs specified MRL as 0.1 mg/kg for pesticides for which MRLs have not been specified. It is the further averment of the petitioner that the said order was passed on a misconception that it applied uniformly to all products by holding that it applied specifically to spices and culinary herbs irrespective of the processing method. It is the further averment of the petitioner that the said



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order has been issued in violation of Section 16 of the FSSAI Act and, therefore, is *ultra vires*.

7. It is the further averment of the petitioner that against the said order passed by the 2nd respondent, the petitioner preferred a second appeal before the 1st respondent on 5.12.2025, who mechanically confirmed the said order vide impugned order dated 5.2.2026 and the No Objection Certificate sought for by the petitioner was arbitrarily rejected without considering the various factual and legal submissions put forth by the authorized representative of the petitioner company during the personal hearing and the said order has been passed on incorrect application of law and, therefore, left with no viable and alternate remedy, the present writ petition has been filed before this Court.

8. Learned counsel appearing for the petitioner submitted that the 1st respondent has rejected the review application u/r 15 (3) of the Food Safety and Standards (Food Import) Regulations, 2017 without considering that the subject product is thermally treated and processed. Therefore, it is erroneous to equate thermally processed products with raw agricultural products and apply the MRL applicable for raw agricultural products.



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9. It is the further submission of the learned counsel that MRL specified in Regulation 2.3 of Regulations, 2011 will apply only to raw agricultural products and not to thermally treated products in terms of FSSAI clarification dated 11.01.2021, has not been properly considered by the respondents, which shows clear non-application of mind.

10. It is the further submission of the learned counsel that a reasoned order is the heartbeat of proper application of mind, which has been time and again reiterated by the Apex Court in a catena of decisions, more especially, satisfying the rule of *audi alteram partem*, which is the basic principle in every quasi-judicial process. However, without following the same, the impugned orders have come to be passed, which render the impugned order, susceptible to interference.

11. It is the further submission of the learned counsel that the only ground on which the impugned order of rejection dated 5.2.2026 had come to be passed is that the MRL is beyond the prescribed limit, though no such MRL limit has been prescribed as per Regulations, 2011. It is the further submission of the learned counsel that the respondent has failed to note that



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in terms of FSSAI clarification dated 11.1.2021, it has been specifically clarified that the tolerance limit of 0.01 mg/kg is not applicable to thermally and chemically processed foods and this clarification having not been superceded or overruled the product imported by the conforms to the specifications.

12. It is the further submission of the learned counsel that the process to which the air dried parsley leaves have been subject to have been provided and the product in question is subject to extreme heat treatment, which is also evidenced from the certificate dated 1.8.2025 issued by the appropriate authority of the Republic of Serbia, which clearly states that the product has undergone steam heat treatment and, therefore, applying the clarification dated 11.1.2021 and, therefore, the tolerance of 0.01 mg/kg will not be applicable, as the product is thermally treated.

13. It is the further submission of the learned counsel that Regulation 2.3 of Regulations, 2011 clearly specify that tolerance limit of 0.1 mg/kg shall apply in case of pesticides for which MRL have not been fixed. In this backdrop, it is submitted that the products being thermally processed, does not belong to raw agricultural commodity and, therefore, the tolerance limit will not apply and applying Regulation 2.3 of Regulations.



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14. It is the further submission of the learned counsel that even otherwise, the order passed by the respondent is without jurisdiction and *ultra vires* the provision of Section 16 of the FSSAI Act, as Section 16 (2) of the said Act empowers the authority to specify the limit of pesticides residue or crop contaminates and the said provision, though states that limits can only be specified by way of a regulation, the impugned order does not have the status of a regulation and, therefore, the authority has issued the said order without any powers and, therefore, it is liable to interference. Accordingly, he prays for allowing the present petition.

15. Per contra, learned senior panel counsel appearing for the respondents submitted that MRL of 0.01 mg/kg fixed in the communication dated 11.1.2021, though pertained to agricultural commodity and physically processed foods only and would not be applicable for thermally and chemically processed foods, however, clarification in this regard was issued vide the order of Director, FSSAI dated 8.4.2024 in which there is a clear prescription that where MRL has not been specified by the Codex, then MRL of 0.1 mg/kg shall apply for spices and culinary herbs.



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16. It is the submission of the learned panel counsel that the product imported by the petitioner is spices and culinary herbs and it is even the admitted case of the petitioner that the said imported products are thermally processed. Therefore, where there is no specific MRL specified for spices and culinary herbs in the Codex, MRL of 0.1 mg/kg was applied and further it does not differentiate between thermally and chemically processed foods and agricultural commodities and resultant physically processed foods. Therefore, the authority applying the directions contained in the order dated 8.4.2024, had rightly rejected the plea for grant of NOC.

17. It is the further submission of the learned panel counsel that the aforesaid order dated 8.4.2024 has been issued under the Regulations, 2011 and the said order has not been challenged by the petitioner, but has only claimed that it is not in consonance with the provisions of FSSAI Act. It is further pointed out by the panel counsel that it is even the admitted case of the petitioner that Section 16 (2) of the authority empowers specification of limit of pesticides residue or crop contaminates. Though it is the claim of the petitioner that such specifications can be specified only through Regulations, which has not been done, however, it is the submission of the learned panel counsel that MRLs of pesticides for food commodities including spices and

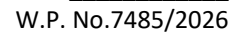


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culinary herbs are specified under Regulations, 2011, however, where there is no implicit specification in the Codex, then MRL has been fixed at 0.1 mg/kg by the authority and the said fixation having not been challenged, the same has been enforced. Further, it is submitted by the learned panel counsel that the petitioner has not placed any provision of law, which precludes the authority to fix the MRL for thermally and chemically processed items and such being the case, the claim of the petitioner that the order of rejection is unsustainable is grossly erroneous and misconceived and, accordingly, prays for dismissal of the present petition.

18. This Court gave its careful consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

19. The whole claim of the petitioner relates to the clarification issued vide communication dated 11.01.2021 in which amendment has been made to Sub-Regulation 2.3.1 of Regulations, 2011, more specifically with reference to fixation of MRL. Initially, Sub-Regulation 2.3.1 provided for tolerance limit of 0.01 mg/kg, which shall apply in cases of pesticides for which MRL have not



"It is clarified that MRLs of 213 insecticides given in said Table and Tolerance Limit of 0.01 mg/kg mentioned in the Note pertain to agricultural commodities and the resultant physically processed foods only. The said MRLs and Tolerance Limits do not apply to the thermally and chemically processed foods."

21. The ground on which the petitioner assails the said order dated 8.4.2024 is that vide the aforesaid order, the methodology has been revised for fixing MRLs of spices and it supercedes two other administrative orders dated 21.4.2022 and 30.08.2022 and that there is no reference to or modification of the FSSAI clarification dated 1.01.2021.



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22. There is no quarrel with the fact that Sub-Regulation 2.3.1 of Regulations, 2011 prescribed the tolerance limit of pesticides. However, vide the communication dated 11.01.2021, clarification was issued that the MRLs of 213 insecticides and tolerance limit of 0.01 mg/kg mentioned in the Note appended to Sub-Regulation 2.3.1 would pertain only to agricultural commodities and resultant physically processed foods and would not apply to thermally and chemically processed foods. From the said clarification, it could safely be concluded that the Regulations, 2011 has in no way be amended, but the manner in which it is to be applied and appreciated has been clarified. Therefore, the said clarification is only an extension of the Regulations, 2011 and Sub-Regulation 2.3.1 and it is not an amendment of Regulations, 2011 or of Sub-Regulation 2.3.1.

23. Vide the clarification issued in the communication dated 11.1.2021, the tolerance limit of 0.01 mg/kg has been fixed for agricultural commodities and resultant physically processed foods and that application of the same has not been extended to thermally and chemically processed foods. Could that be taken to mean that there is no tolerance limit fixed for thermally and chemically processed foods?



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24. A careful perusal of the clarification dated 11.01.2021 reveals that 0.01 mg/kg has been fixed as the tolerance limit for agricultural commodities and resultant physically processed foods, which would not be applicable to thermally and chemically processed foods. However, it is to be noted that the said clarification does not speak anything about fixing of tolerance limit for thermally and chemically processed foods. Further, it is to be pointed out that the MRL of the 213 insecticides in various foods has not been touched upon in the said clarification, except prescribing the tolerance limit for agricultural commodities and physically processed foods.

25. When there is a clear indication in the communication dated 11.01.2021 that the application of 0.01 mg/kg would be for agricultural commodities and physically processed foods, the tolerance limits of thermally and chemically processed foods were left open and, therefore, the inference that has to be drawn from the same is that the said tolerance limit would be based on Sub-Regulation

26. In this backdrop, the order dated 8.4.2024 of the Director of FSSAI requires to be looked at, which, according to the petitioner, would not be binding, as it does not carry any reference of the clarification dated



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11.01.2021. Clause (b) and (c) of Para-1 of the order dated 8.4.2024, which is material for considering the present case, is quoted hereunder :-

“b) In cases the pesticide is registered with CIB & RC and MRLs are specified for food commodities other than spices and culinary herbs, then the MRLs specified under Codes shall be applicable. Further, if the MRLs are not specified by the Codex, then the MRL of 0.1 mg/kg shall apply for spices and culinary herbs.

c) In case the pesticide is not registered with CIB & RC and then the MRL of 0.1 mg/kg will be applicable for spices and culinary herbs.”

27. From the above, there is a clear prescription that for spices and culinary herbs, the MRL of 0.1 mg/kg would apply. True it is that the aforesaid order it does not carry any reference to the clarification dated 11.01.2021, however, it is clear that the said order has been issued with reference to Regulations, 2011. A careful perusal of the clarification dated 11.01.2021 and the order dated 8.4.2024, it is clear that both operate in respect of different species of products based on the manner of process. While one relates to raw agricultural commodities and resultant physical process, the other relates to thermal and chemical process. Such being the case, the clarification dated 11.01.2021 and 8.4.2024 should be read harmoniously and one cannot transgress the domain of the other.



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28. The main thrust of the case of the petitioner is that the clarification dated 11.01.2021 prescribing tolerance limit would operate only in respect of agricultural commodities and physical processed foods and not to thermal and chemically processed foods and the foods products imported by the petitioner fall under the latter part of the clarification, relating to thermally and chemically processed foods and, therefore, the tolerance limit fixed under the clarification dated 11.01.2021 will not be applicable.

29. True it is that the tolerance limit fixed in the letter dated 11.01.2021 is only in relation to agricultural commodities and physically processed foods. That does not mean that no tolerance limit has been fixed or can be fixed for thermally and chemically processed foods. Prior to issuance of the clarification dated 11.01.2021, there was no demarcation between agricultural commodities and physically processed foods and thermally and chemically processed foods. However, a distinction was made in the clarification dated 11.01.2021 between the two commodities, resulting in the issuance of the order dated 8.4.2024, as there was no specific prescription of tolerance limits for chemically and thermally processed foods.

By the said communication thermally and chemically processed foods were



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imposed with MRL and tolerance limit was fixed. Only based on the said order dated 8.4.2024, the 1st respondent has passed the impugned order.

30. Further, it is not the case of the petitioner that no tolerance limit can be prescribed by the authority. However, the claim of the petitioner is that it should be amended in the Regulations, 2011 and not otherwise, more specifically not by means of the order dated 8.4.2024. It is to be pointed out that vide the communication dated 11.1.2021, clarification was issued with regard to the tolerance limit applicable for agricultural commodities and physically processed foods. Likewise for spices and culinary foods, where the pesticide is not registered with CIB & RC, MRL of 0.1 mg/kg was fixed vide order dated 8.4.2024. In both the instances, Sub-Regulation 2.3.1 has not been amended but only clarified to the limited extent. Such being the case, when the petitioner has no grievance with regard to the clarification issued vide communication dated 11.01.2021, in the same sense, the fixation of MRL vide the order dated 8.4.2024 also should not be a cause for grievance of the petitioner, as in both the instances, the FSSAI authority, keeping in mind the well being of the consumer has fixed the tolerance limit, which cannot be said to be erroneous.



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31. Further, it is to be pointed that the exclusion alleged by the petitioner to have been granted to thermally and chemically processed foods is not correct, as the tolerance limit as per the table in respect of agricultural commodities and physically processed foods has been fixed at 0.01 mg/kg, but the rest of the tolerance limit has been left open as per the table appended to Sub-Regulation 2.3.1.

32. It is to be pointed out that the authority is entrusted with the task of standardizing the quality of food consumed by humans and only to that end FSSAI has been created and vested with control to monitor the foods and when the foods are tested, it should meet the standards prescribed by the authority which certifies that it is safe for human consumption. Only to that end, the order dated 8.4.2024 has been issued prescribing the tolerance limit/MRL with regard to spices and culinary herbs, which are alleged to have been imported by the petitioner. The authority, even after two rounds of testing, has found that the said foods do not satisfy itself as safe for human consumption and in the absence of any mala fide being attributed to the respondents, the action of the respondents cannot be found fault with.



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33. Further, it is also to be pointed out that the 1st respondent has relied on the order dated 8.4.2024 to negative the plea of the petitioner for grant of NOC. However, the said order dated 8.4.2024, though was challenged by the petitioner by filing W.P. No.7489/2026, however, the said writ petition was curiously withdrawn by the petitioner and stood dismissed as withdrawn by order of even date. The present impugned order has come to be passed based on the order dated 8.4.2024 and so long as the said order survives, the impugned order passed based on the said order cannot be held to be perverse.

34. For all the reasons aforesaid, this writ petition fails and the same is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Index : Yes/No

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To

1. The Chief Executive Officer
Food Safety & Standards Authority
Of India (FSSAI), Trade & International
Co-operation Division – TICD
FDA Bhawan, Kotla Road, New Delhi 110 002.
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M.DHANDAPANI, J.

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