

05-03-2025
Item No.18
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.1912 of 20251
Saj Food Products Private Limited

-vs-

The State of West Bengal & Ors.

Mr. Abhratosh Majumdar, sr. adv.
Mr. Sayan Sinha
Mr. Nilanjan Bhattacharya
Mr. K. Roy.
Mr. Adil Naser
Mr. K. Roy ... for the petitioner

Mr. Anirban Ray, GP
Mr. Nilotpal Chatterjee.
Ms. Munmun Ganguly ... for the State

Mr. Dhiraj Trivedi, DSGI
Mr. Arijit Majumdar ...for the Union of India

Mr. Amit Mehra
Ms. Pramita Banerjee
Mr. Rohan Raj ... for respondent nos. 3 and 4

1. Perused the affidavit filed on behalf of the fourth and fifth respondents which clearly mentions that the parameters in the biscuit are within the limits prescribed in the Food Safety and Standards regulations. The additive 'tartrazine' is permitted to be added in the food products, such as 'cake, cookies, biscuit, cracker and pies'.
2. In view of the opinion placed before this Court by the Food Safety and Standards Authority of India, the subject food product, The Top biscuit, of the petitioner shall be treated as safe for consumption and permitted to be sold in the open market.
3. The impugned prohibitory order under section

36(3)(B) of the Food Safety and Standards Act, 2006 dated January 10, 2025 issued by the designated officer (FSSAI) & DFSIO, Murshidabad (Annexure P4, p.95) is set aside.

4. Learned senior advocate representing the petitioner submits that enough harassment and financial loss has been caused to the petitioner because of the issuance of the prohibitory order. He seeks compensation.
5. It will be open for the petitioner to seek remedy in accordance with law for any loss or harassment suffered due to the act of the aforesaid respondent.
6. The writ petition is disposed of.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

