

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.1204 OF 2026**

SOEX India Pvt. Ltd. ....Petitioner

***Versus***

State of Maharashtra & Anr. ....Respondents

**WITH  
INTERIM APPLICATION NO.2642 OF 2026  
IN  
WRIT PETITION NO.1204 OF 2026**

**AND  
WRIT PETITION NO.1206 OF 2026**

High Street Impex LLP ....Petitioner

***Versus***

State of Maharashtra & Anr. ....Respondents

**WITH  
INTERIM APPLICATION NO.2640 OF 2026  
IN  
WRIT PETITION NO.1206 OF 2026**

----

Mr. Vikram Nankani, Senior Advocate a/w. Mr. Ashwin Ankhad, Advocate Sajal Yadav, Mr. Asif Lampwala, Mr. Sumit Nankani, Mr. Anukul Seth and Mr. Harsh Ghangurde for the Petitioner in WP/1204/2026.

Mr. Prakash Shah, Senior Advocate a/w. Mr. Ashwin Ankhad, Advocate Sajal Yadav, Mr. Asif Lampwala, Mr. Sumit Nankani, Mr. Anukul Seth and Mr. Harsh Ghangurde for the Petitioner in WP/1206/2026.

Mr. Tuushar Sonawane for the Applicant in IA/2642/2026 and IA/2640/2026.

Mr. Rajiv Patil, Senior Advocate a/w. Mr. P.P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the Respondent – State in WP/1204/2026.

Mr. Rajiv Patil, Senior Advocate a/w. Mr. P.P. Kakade, Addl. GP a/w. Ms. P.N. Diwan, AGP for the Respondent – State in

WP/1206/2026.

Mr. Ramchandra Kondiba Dhanawade, Joint Secretary, Medical Education and Drugs Department, Mr. Shridhar Dube Patil, Commissioner, Food and Drugs Administration and Mr. Abhay Jage, Senior Law Officer, Food and Drugs Administration, Mumbai present.

----

**CORAM : RAVINDRA V. GHUGE  
&  
ABHAY J. MANTRI, JJ.**

**DATE : 6<sup>th</sup> APRIL, 2026**

**P.C. :-**

1. The learned Senior Advocate Mr. Patil, Special Counsel for the State of Maharashtra, has tendered an additional affidavit of Mr. Ramchandra Kondiba Dhanawade, Joint Secretary, Medical Education and Drugs Department, Mantralaya, Mumbai, dated 2<sup>nd</sup> April, 2026, along with certain documents and an index (page nos.711 to 738). The same is taken on record.

2. In the said additional affidavit, it is set out in paragraph nos.5, 6 and 7, as under :

*5. I say and submit that, in light of the clarification issued by the Food Safety and Standards Authority of India (FSSAI) vide communication dated 23.03.2026, indicating that flavoured hookah tobacco does not fall within the purview of "food" under the Food Safety and*

*Standards Act, 2006, it is submitted that continuation of coercive action under the said Act in respect of the Petitioners' products or similarly situated manufacturers/exporters would not be warranted. Accordingly, no such actions are required to be pursued under the Food Safety and Standards Act, 2006, in respect of such products as per the specific clarification received from FSSAI dated 23.03.2026.*

*6. I say and submit that, the actions undertaken in the present matter has been reviewed to ensure conformity with statutory provisions, jurisdictional limits and due process requirements and accordingly letter was given by Secretary's office to immediately release the seized article and de-seal the factory(s) on 05.03.2026. Further considering the clarification received from the FSSAI, conditions imposed on the petitioners will be withdrawn immediately. The said letter dated 05.03.2026 is annexed herewith and marked as Exhibit-R3.*

*7. I respectfully say and submit that, without attributing any personal mala fides, that if any action of the field machinery has resulted in hardship or unintended prejudice to the Petitioners, the department seeks unconditional apology from the Hon Court and further is ready to initiate strict action against all involved officers. I say and submit that respondent has already asked Commissioner FDA to inquire into the above matter as per letter dated 02.03.2026 and submit the findings based upon which further action will be initiated on the concerned responsible officers as found guilty. The said letter dated 02.03.2026 is annexed herewith and marked as Exhibit-R4.*

3. The learned Senior Advocates appearing for the Petitioners submits that, in light of the above, since the Department has withdrawn its action against the Petitioners and released the goods, the impugned notices will have to be quashed and set aside.

4. Mr. Patil submits, on instructions from the concerned officers present in the Court hall, that the Respondent Authorities would recall the order/withdraw the notices within two weeks from today, keeping in view that all actions have now been withdrawn against the Petitioners and the impugned notices will have to be formally withdrawn.

5. In view of the above, and with the consent of the learned Senior Advocates for the Petitioners, **both these Petitions are disposed off.**

6. Consequentially, the Petitioners would be discharged from the undertaking that has been tendered to the Court pursuant to our order dated 6<sup>th</sup> March, 2026.

7. In the peculiarity of the facts and circumstances of this case, the Interim Applications filed by an activist need not be entertained and stand rejected.

**(ABHAY J. MANTRI, J.)**

**(RAVINDRA V. GHUGE, J.)**