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FOOD

Interpreting Penal Provisions Strictly: High Court Ruling on Plant & Machinery Seizure under FSSAI Act

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The regulatory framework governing food safety in India, primarily anchored in the Food Safety and Standards Act, 2006, continues to witness judicial scrutiny to prevent administrative overreach. In a significant pronouncement dated April 16, 2026, the High Court of Punjab and Haryana at Chandigarh, through Justice Jagmohan Bansal, addressed the limits of a Food Safety Officer's authority in the case of *M/s Singla Traders vs. State of Haryana and others* (CWP No. 36380-2025 (O&M)). This writ petition, filed under Article 226 of the Constitution of India, centred on the petitioner's challenge to the seizure of its food processing machinery by the Food Safety Officer (FSO), Kaithal, on November 14, 2025. The petitioner, M/s Singla Traders, a firm engaged in manufacturing milk and milk products, sought the release of seized plant and machinery valued at approximately ?17.20 lakhs. The respondents included the State of Haryana and its food safety authorities.

The factual matrix of the case originated from a complaint dated September 29, 2025, lodged by Krishna Kumar, Sarpanch of Village Kangthali, District Kaithal, before the District Grievance Redressal Committee. The complaint alleged that the petitioner's dairy unit at Pabsar Road, Kangthali, was producing adulterated and harmful milk products, endangering public health and violating regulatory norms. This matter was deliberated in a District Grievance Redressal Committee meeting on November 14, 2025, chaired by Shri Anil Vij, Hon'ble Minister of Power, Transport, and Labour, Government of Haryana. The committee directed the Deputy Commissioner and FSO, Kaithal, to immediately seal the factory and collect samples for testing at Shri Ram Laboratory, New Delhi.

In compliance with these directions, the FSO, Dr. Pawan Chahal, issued a notice on November 14, 2025, seizing key operational machinery including a 10,000 LPH cream separator, butter making machine, pasteurizer, chiller, storage tanks, and motors/pumps. The seized items were left in the custody of Rakesh Kumar, present at the premises, with instructions not to tamper with the seals. Notably, the FSO's contemporaneous internal letter to higher authorities explicitly admitted the absence of statutory power under the 2006 Act to seal premises or seize machinery, requesting delegated authority in the public interest due to the petitioner's alleged history of producing substandard products.

The petitioner contended that the FSO lacked statutory competence to seize plant and machinery, as Section 33 of the Food Safety and Standards Act, 2006 (hereinafter "the 2006 Act") vests such coercive powers exclusively with a competent court post-conviction. The FSO's authority, per Sections 38 and 41 of the 2006 Act, extends only to drawing samples, seizing food articles or adulterants, searching premises, and initiating prosecutions not to seal or seize machinery used in manufacturing. The respondents countered that the petitioner was a habitual offender whose FSSAI license (No. 10823009000026) stood cancelled, with prosecution already launched against the proprietor. They justified the seizure as a compelled measure on Deputy Commissioner's directions for public safety, invoking Rule 2.1.3(4) of the Food Safety & Standards Rules, 2011, for sealing premises.

The core issues framed before the court were twofold: whether a Food Safety Officer possesses statutory authority under the 2006 Act to seize plant and machinery of a food business operator, and whether the impugned seizure notice dated November 14, 2025, was legally valid. The court carefully interpreted the relevant provisions, including Sections 33 (prohibition orders by courts post-conviction), 34 (emergency prohibition notices by Designated Officers), 38 (powers to take samples and seize food articles), 41 (search, seizure of food/adulterants), and 42 (prosecution procedures) of the 2006 Act, alongside Rule 2.1.3(4) of the 2011 Rules.

Justice Bansal highlighted that the 2006 Act embodies penal and draconian measures, necessitating strict rather than liberal construction, particularly as seizure deprives fundamental rights under Article 19(1)(g) of the Constitution. The court held that the FSO's powers under Sections 38 and 41 are confined to food articles and adulterants, explicitly excluding plant and machinery. Section 33 reserves equipment prohibition for courts after conviction, while Section 34 mandates Designated Officers to follow procedural safeguards for emergencies neither of which was adhered to. The respondents' reliance on Rule 2.1.3(4) was dismissed, as it pertains to sealing premises for investigation, not machinery seizure, and no such investigative intent was pleaded.

The court further highlighted the FSO's self-admission of lacking authority, rendering the action ultra vires. Absent compliance with statutory procedures, the seizure on administrative directions alone was deemed illegal. Consequently, the impugned notice/order dated November 14, 2025 (Annexure P-6), was set aside, directing the release of the seized machinery. The judgment clarified that it expressed no opinion on the quality of the petitioner's products, nor did it impact ongoing license cancellation or prosecution proceedings. Pending miscellaneous applications stood disposed of.

This ruling in *M/s Singla Traders vs. State of Haryana* is a critical reminder of the judiciary's role in upholding statutory boundaries against executive excess in food safety enforcement. By mandating strict adherence to legislative prescriptions, the Punjab and Haryana High Court has fortified procedural safeguards for food business operators while preserving public health mechanisms. Legal practitioners and regulatory authorities must now navigate these delineated powers with precision, ensuring that administrative actions align scrupulously with the letter of the law.

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