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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010402332026

+ **W.P.(C) 12458/2026 & CM APPL. 57841/2026**

AWL AGRI BUSINESS LIMITED & ANR.Petitioners

Through: Mr. Sandeep Sethi, Senior Advocate
with Mr. Ashish Prasad, Mr. Atri Roy
Chowdhury, Mr. Krisna Gambhir and
Ms. Shreya Sethi, Advocates.

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Shivanshu Bhardwaj, Mr. Sarthak
Rana, Govt. Pleader and Mr.
Raghuvansh Mishra, Mr. Harshit
Bhardwaj, Advocates for UOI/R-1.
Mr. Sanjay Kumar and Mr. Manu
Bajaj, Advocates for R-2 to R-4.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

% **31.08.2026**

1. By way of the present writ petition, the petitioner seeks following reliefs:

“a. Issue a writ, order or direction quashing and setting aside the Impugned Letter dated 17.07.2026 alongwith the appended list of purported “non-compliant products” issued by the Respondent No. 3 to the Commissioners of Food Safety of all States and Union Territories insofar as the same relates to and operates against the Petitioners and the product “Fortune Soya Health Refined Soyabean Oil”;



b. Issue a writ, order or direction quashing and setting aside the Show Cause Notice dated 17.07.2026 issued by the Respondent No. 4;

c. Issue a writ, order or direction restraining the Respondents, its authorities, subordinates, inspectors and any other persons under it, from taking any coercive, prohibitory or enforcement action against the Petitioners, the product “Fortune Soya Health Refined Soyabean Oil”, or the Petitioners’ distributors, stockists, wholesalers, retailers and channel partners on the strength of or in purported implementation of the Impugned Letter and the list of purported “non-compliant products” appended thereto; and/or”

2. Brief facts of the case, as discernible from record, are that the petitioner no. 1, AWL Agri Business Limited, is engaged, *inter alia*, in the manufacture and sale of edible oils and manufactures the product “Fortune Soya Health Refined Soyabean Oil” [hereafter ‘**the subject product**’]. It is stated that the subject product has been in the market for several years and that the trademark “FORTUNE SOYA HEALTH” was registered in favour of the petitioner no. 1 on 30.01.2009 in Class 29 in respect of edible oils. The petitioner no. 1 states that the subject product is manufactured and marketed pursuant to a valid statutory licence and has been sold across India for approximately 26 years. The Food Safety and Standards (Advertising and Claims) Regulations, 2018 [hereafter ‘**the Regulations of 2018**’] were notified on 20.11.2018 and the Food Safety and Standards (Labelling and Display) Regulations, 2020 [hereafter ‘**the Labelling Regulations, 2020**’] on 10.12.2020. On 17.07.2026, respondent no. 4, Assistant Director (Technical), Regulatory Compliance Division, issued a show cause notice to the petitioner no. 1 alleging contravention of the Regulations of 2018 and the Labelling Regulations, 2020 and calling upon it to clarify within seven



days as to why action should not be initiated under the Food Safety and Standards Act, 2006 [hereafter ‘**the FSS Act**’]. On the same day, respondent no. 3 issued a letter to the Commissioners of Food Safety of all States and Union Territories [hereafter ‘**the impugned letter**’], directing them to ensure that products described as “non-compliant products”, in respect of which notices had been issued, were not manufactured, distributed, marketed or sold within their respective jurisdictions. The subject product was included at serial no. 37 in the list appended to the impugned letter. The petitioner no. 1 contends that the impugned letter effectively treated the subject product as a “non-compliant product” and exposed it and its distributors, stockists, wholesalers and retailers across India to enforcement action, notwithstanding the show cause notice issued on the same date. It is stated that this resulted in the manufacture, distribution, marketing and sale of the subject product being effectively prohibited without following the procedure contemplated under the FSS Act or affording an effective opportunity of hearing. The petitioner no. 1 sought extension of time to reply to the show cause notice on 24.07.2026 and thereafter, on 29.07.2026, submitted a detailed representation denying the allegations and relying upon relevant statutory and documentary material. On 12.08.2026, the petitioner no. 1 received an updated list of purported “non-compliant products”, containing entries up to 03.08.2026, in which the subject product continued to figure at serial no. 37. On the same date, the Office of the Food Safety Commissioner, Jharkhand issued a memorandum directing a State-wide enforcement drive against the products identified by respondent no. 2, including intensive inspection and stoppage of sale, and requiring an Action Taken Report by 12.09.2026. On 17.08.2026, the petitioner no. 1 submitted



a representation to respondent no. 3 and the concerned food safety authorities in Jharkhand seeking, *inter alia*, clarification that the show cause notice did not constitute an order of prohibition, recall or suspension and requesting a personal hearing before any adverse action. On 21.08.2026, the petitioner no. 1 received communications from its distributors at Jamshedpur stating that Food Safety Officers had visited the Parsudih Bazar Samiti market and the premises of its distributor and directed stoppage of sale of the subject product, following which retailers declined fresh orders and sought return of existing stock. The petitioner no. 1 claims that the aforesaid actions have adversely affected its business and its stock and supply chain across India. Aggrieved by the impugned letter and the show cause notice dated 17.07.2026 and the consequential enforcement action purportedly taken pursuant thereto, the petitioners have approached this Court under Article 226 of the Constitution of India seeking, *inter alia*, quashing thereof and restraint against the respondents and their authorities from taking coercive, prohibitory or enforcement action against the petitioners or the subject product on the basis thereof.

3. The learned counsel appearing for the respondents has opposed the maintainability of the present petition on the ground of territorial jurisdiction. It is submitted that no part of the cause of action has arisen within the territorial jurisdiction of this Court, as the petitioner no. 1 is based in Gujarat and the subject product is manufactured and marketed from outside Delhi. It is further submitted that the actual consequences complained of by the petitioners, including the alleged stoppage of sale, inspection and enforcement action, have taken place in different States, particularly in Jharkhand, and not in Delhi. Merely because the respondents



are authorities having their offices in Delhi, or because the impugned communications were issued from Delhi, would not, according to the learned counsel, by itself confer jurisdiction under Article 226(2), unless a material and integral part of the cause of action is shown to have arisen within Delhi.

4. The learned senior counsel appearing for the petitioners, on the other hand, argues that the challenge in the present petition is principally directed against the impugned letter dated 17.07.2026 issued by respondent no. 3 – Executive Director (CS-Regulatory Compliance, Regional Office), FSSAI, Regulatory Compliance Division, MMU Building, FDA Bhawan, New Delhi – and the show cause notice dated 17.07.2026 issued by respondent no. 4 – Assistant Director Technical (Regulatory Compliance), FSSAI, FDA Bhawan, New Delhi – both of whom are authorities situated within Delhi. It is argued that the petitioners are not seeking any independent relief against the authorities in Jharkhand or any other State, but are essentially seeking quashing of the aforesaid communications issued by the respondent authorities in Delhi and restraint against consequential action taken pursuant thereto. It is further submitted that the impugned letter itself was issued from Delhi and constituted the foundational action pursuant to which directions were issued to the Commissioners of Food Safety throughout the country. Thus, it is argued that apart from the fact that the authorities against whom the principal reliefs are sought are within the territorial jurisdiction of this Court, a material part of the cause of action has also arisen within Delhi.

5. This Court has **heard** arguments addressed on behalf of the petitioners as well as the respondents, and has perused the case file.



6. Having considered the submissions, this Court notes that the principal prayers in the present petition are directed against the show cause notice dated 17.07.2026 issued by respondent no. 4 and the impugned letter dated 17.07.2026 issued by respondent no. 3, besides the consequential action purportedly taken pursuant thereto. Both respondent nos. 3 and 4 are authorities situated within the territorial jurisdiction of this Court. Thus, insofar as the principal reliefs sought in the petition are concerned, the persons and authorities against whom the writs are sought are amenable to the jurisdiction of this Court.

7. Further, the impugned letter dated 17.07.2026 was issued by respondent no. 3 in Delhi and directed the Commissioners of Food Safety of all States and Union Territories to take measures in respect of the products described therein as “non-compliant products”. The show cause notice under challenge was also issued by respondent no. 4 in Delhi on the very same date. The subsequent enforcement action pleaded by the petitioners in Jharkhand and elsewhere is stated to have emanated from and been pursuant to the aforesaid impugned letter. Thus, the issuance of the impugned communications in Delhi cannot be said to be an incidental or wholly unconnected circumstance; rather, it constitutes a material part of the facts giving rise to the present challenge.

8. It is settled that, for the purposes of Article 226(2) of the Constitution, the High Court may exercise jurisdiction where the cause of action arises wholly or in part within its territorial jurisdiction. The expression “cause of action” refers to the bundle of facts which are necessary for the petitioner to establish its right to relief. In the present case, the foundational actions



which are directly impugned by the petitioners were undertaken by respondent nos. 3 and 4 in Delhi and form the very basis of the reliefs sought in the petition. Accordingly, this Court is of the view that the present writ petition cannot be held to be lacking in territorial jurisdiction.

9. In view of the aforesaid, issue notice to the respondents. Notice is accepted by the learned counsel appearing on behalf of the respondents.

10. Let counter-affidavit be filed within a period of four weeks from date, with advance copy to the petitioner. Rejoinder, if any, be filed within two weeks thereafter.

11. List on 05.11.2026.

12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

AUGUST 31, 2026/zp

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