

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8429 OF 2026

Sanjay Baburao Nirbhavne,
Senior Manager of M/s. Lotus Pond
Hotel Pvt. Ltd.

....Petitioner.

Vs.

The State of Maharashtra,
Food and Drug Administration
Department and Others.

....Respondents.

AND

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.3582 OF 2026

M/s. Poornima Restaurant
Through its Proprietor
Pramod J. Nayak

....Petitioner.

Vs.

The State of Maharashtra

.... Respondents

Mr. Mayur Khandeparkar a/w Ms. Shubhra Swami, Mr. Sagar Shetty,
Ms. Megha Vijan and Mr. Akshay Naik i/b Sagar Shetty & Associates.
Advocates for the Petitioner in Writ Petition No.8429 of 2026.

Mrs. Pooja C. Patil, AGP for the Respondents/State in Writ Petition
No.8429 of 2026.

Mr. Venkatesh Dhond, Senior Advocate a/w Mr. Sameer Pandit and Mr.
Mayur Khandeparkar, Ms. Shloka Sah i/b Wadia Ghandy & Co.,
Advocates for the Petitioner in Writ Petition No. 3582 of 2026.

Ms. Anjali N. Helekar, Government Pleader with Ms. Nazia Shaikh,
AGP for Respondent No.1-State of Maharashtra in Writ Petition No.
3582 of 2026.

Ms. Sarala Khatawkar, Assistant Commissioner, Food and Drug Administration Department, present in Writ Petition No. 8429 of 2026.

Mr. Vikram Nikam, Food Safety Officer, Food and Drug Administration Department, present in Writ Petition No. 8429 of 2026.

Ms. Anupama Balasaheb Patil, Assistant Commissioner, Food and Drug Administration Department, present in Writ Petition No.3582 of 2026.

Ms. Ruchita Sanjay Suryawanshi, Food Safety Officer, Food and Drug Administration Department, present in Writ Petition No.3582 of 2026.

**CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.**

DATE : 31ST JULY, 2026.

P.C. :

1. Both these matters are heard together.
2. We have considered the submissions of the learned Senior Advocate Mr. Dhond, the learned Advocate Mr. Khandeparkar and the learned AGP appearing for the State of Maharashtra.
3. Pursuant to our order dated 29th July, 2026, passed in WP 8429/2026, the Government Pleader was to inform the Court as to the situation in the canteens and eateries operated within the premises of the statutory authorities, State instrumentalities, Government establishments,

etc.

4. The learned AGP has tendered a compilation of documents which are taken on record and marked as 'Y-1' collectively, for identification. We are informed that 3 large canteens operated in Mantralaya were inspected last year. They were given time to report compliance. The learned AGP is instructed to convey to the Court that all the 3 canteens were found to be 98% compliant and there was not a single ant, insect, larvae, fly or cockroach in the entire premises.

5. We find that this issue needs to be looked into. We inquired with Mr Dhond, learned Senior Advocate, as to whether a few lawyers would be willing to be visit the 3 canteens, before lunch interval. He suggested the following names :-

- (i) Adv. Suresh Sabrad, Secretary, Advocates Association of Western India;
- (ii) Adv. Swanand Ganoo, Managing Committee Member of the Bombay Bar Association;
- (iii) Adv. Kainaz Irani, Managing Committee Member of the Bombay Bar Association; and
- (iv) Adv. Phiroze Bharucha, Managing Committee

Member of the Bombay Bar Association.

6. We granted liberty to these learned Advocates to make a trip to the 3 Canteens and convey to the Court as to what have they seen in the 3 Canteens. The learned AGP submits that the officers present in the Court hall and officer from the Food Safety Department are willing to accompany these lawyers.

7. The said team of lawyers can visit the 3 Canteens along with the officers of the Department present in Court hall. The team can take photographs, if required. Let a report be tendered by Adv. Suresh Sabrad who is the Secretary of the Advocates Association of Western India, with the signatures of the other lawyers in the inspection team.

8. At this stage, the matters are kept back, to be taken up at 3:00 P.M.

9. After lunch recess, we have heard the learned Advocates in both the Petitions.

10. The learned AGP, on instructions, has placed on record reports with reference to the inspection carried out within the Vidhan Bhavan Canteen, Mantralaya Canteen and Square Meal Canteen in the

Mantralaya annexe building. All the three Canteens have secured 98% score and are held to be absolutely compliant. We have perused the three reports tendered to us. Mantralaya Canteen report is marked as 'Y-2', the report pertaining to Square Meal Canteen in the Mantralaya annexe building is marked as 'Y-3' and the Vidhan Bhavan Canteen report is marked as 'Y-4' for identification.

11. We found from the report in Writ Petition No.8432 of 2026, when the learned Senior Advocate Mr. Dhond addressed us, that a banana with black dots was considered to be objectionable. Certain black dots were found on other vegetables also. The inspecting team had conducted an inspection over a period of five hours while inspecting an area of 600 sq.ft., and found that the Petitioner has secured 37% score and the license was promptly suspended. Several other deficiencies were noticed with respect to hygiene, cleanliness and areas where raw material was stored. If this is so, then it would mean that all the three canteens in Mantralaya would be of top notch quality and there should not be a single insect, fly, larva, cockroach in the said canteens.

12. The four advocates who had made a visit to the three canteens in the Mantralaya area, inform us that cleaning operation on war-footing was undertaken when they visited the premises. They

visited all three canteens and found several deficiencies. For examples, the refrigerator was in shambles, the cooling was ineffective, there were flies and cockroaches, no mosquito nets installed, etc. They have videographed the inspection and tendered six colour photographs to the Court on three pages. The said compilation of photographs is marked as **‘Y-5’** for identification. We have perused the said photographs, compared the reports **‘Y-2’**, **‘Y-3’**, **‘Y-4’** and found that the said reports may not reflect the correct picture. In short, the reporting authority can be said to have taken a chance with the Court by showing us such reports indicating uniform score of 98% compliance in all the three canteens. The photographs **‘Y-5’** would disprove the said reports.

13. The issue before us is as to whether the concerned Authorities of the Food and Drugs Department are treating private commercial establishments impartially qua the establishments operated by State Instrumentalities/Canteens. After perusing the three reports of the canteens, we found that even categories in which marks have been allocated have been similar and the percentages is uniformly 98%. All three canteens in Mantralaya were inspected in between 30 minutes to 45 minutes, whereas in case of private commercial establishments, the inspection was made in five hours and in the case of ‘Park INN by Radisson’, it was 9 hours’ inspection. These time periods of inspection

are printed on the reports.

14. We are of the view that the Department has to be impartial with all, whether they be private commercial establishments or statutory authorities or having contractors to operate their canteens. The law is to be enforced impartially and no aggrieved party before the Court should feel that private commercial establishments are dealt with applying different standards .

15. The learned AGP submits on instructions from the officers present in Court that suspension notices issued to commercial establishments would now be treated as show cause notices for improvement/compliance in view of section 32 of the Food Safety and Standards Act, 2006 before initiating a precipitative action of either suspension of the license or cancellation of license. It is submitted that all the canteens in Mantralaya would now be issued with a notice for carrying out improvement. The impugned notice in Writ Petition No.3582 of 2026 would now be treated as a notice for improvement and would no longer operate as notice for suspension of license. Time would be granted to the said Petitioner as well as canteens of Mantralaya to carry out an improvement by Tuesday 4th August, 2026. The competent authority/officers of the Department would inspect the three canteens in Mantralaya as well as the present Petitioners' commercial establishments

on Wednesday 5th August 2026 at 10 A.M and carry out inspection and further inspection reports would be generated.

16. We appreciate the team of four lawyers mentioned above for having taken out time from their busy schedule and having visited various canteens in Mantralaya, for assisting the course of justice.

17. Since now improvement notices are being deemed to be issued to these canteens/Petitioner and they are given time for improvement, to be followed by the inspection on 5th August, 2026, **we are listing these Petitions on 6th August, 2026 in the Urgent Supplementary Board.**

18. We deem it appropriate to record that we expect the Commissioner of the Food and Drugs Department to scrutinize the reports ‘Y-2’, Y-3’, ‘Y-4’ allocating 98% marks uniformly to the three canteens, in the backdrop of the photos ‘Y-5’ and inquire therein as to how such reports were submitted to the Court. We would expect compliance of this aspect, in the further hearing in these Writ Petitions.

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[GAUTAM A. ANKHAD, J.]

[ACTING CHIEF JUSTICE]