



W.A.No.933 of 2022

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2025:KER:14377

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR**

**&**

**THE HONOURABLE MR. JUSTICE S.MANU**

**TUESDAY, THE 11<sup>TH</sup> DAY OF FEBRUARY 2025 / 22ND MAGHA, 1946**

**WA NO. 933 OF 2022**

**AGAINST THE JUDGMENT DATED 25.02.2021 IN WP(C) NO.8408  
OF 2020 OF HIGH COURT OF KERALA**

**APPELLANTS/RESPONDENTS 2 TO 5 IN THE WRIT PETITION:**

- 1 THE COMMISSIONER OF FOOD SAFETY AND STANDARDS  
AUTHORITY, GOVERNMENT OF KERALA,  
THIRUVANANTHAPURAM - 695 001.**
- 2 THE ASSISTANT COMMISSIONER OF FOOD SAFETY,  
THRISSUR, PIN-680 001.**
- 3 THE ASSISTANT COMMISSIONER AND DESIGNATED OFFICER,  
(FSSAI), KOZHIKKODE, PIN-673 001.**
- 4 THE ADJUDICATING OFFICER AND SUB COLLECTOR,  
KOZHIKKODE - 673 001.**

**BY ADVS.  
GOVERNMENT PLEADER  
ADVOCATE GENERAL OFFICE KERALA  
ADDL.DIRECTOR GENERAL OF PROSECUTION(AG-11)**

**RESPONDENTS/WRIT PETITIONER AND 1ST RESPONDENT IN THE WRIT  
PETITION:**

- 1 BHADRA OIL MILLS  
14/548A, NAYARANGADI, KODASSERY P.O.,  
THRISSUR- 680 271, REPRESENTED BY PROPRIETOR,  
SHAJU I, S/O. ITTAMAN, AGED 44 YEARS,  
CHITTIYETH HOUSE, KODASSERY, THRISSUR - 680 271.**



W.A.No.933 of 2022

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**2      FOOD SAFETY AND STANDARD AUTHORITY OF INDIA,  
FDA BHAVAN, KOTLA ROAD, NEW DELHI -110 002,  
REPRESENTED BY ITS JOINT DIRECTOR.**

**BY ADVS.  
SMT.CHITHRA P.GEORGE, SC, FOOD SAFETY AND STANDARDS  
AUTHORITY OF INDIA  
M.C.JOHN**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON  
11.02.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



## JUDGMENT

Dated this the 11<sup>th</sup> day of February 2025

Nitin Jamdar, C.J.

The Appellants have filed this appeal under Section 5 of the Kerala High Court Act, challenging the judgment in W.P(C)No.8408 of 2020 dated 25 February 2021 of the learned Single Judge, wherein the Writ Petition was allowed, setting aside Exhibit P6 proceedings of the FSSAI designated officer and Exhibit P7 summons issued by the Adjudicating Officer/Sub Collector of Kozhikode District. The Single Judge found that the Coconut Testa Oil manufactured by the Petitioner satisfies the proprietary food requirements under sub-clauses (1) and (2) of 2.12.1 of the Food Safety and Standards (Food Products and Food Additives) Regulations, 2011, which the Appellants contend is incorrect.

2. Heard Mr.Grashious Kuriakose, Additional Director General of Prosecution appearing for the Appellants; Mr.M.C.John, learned counsel appearing for Respondent No.1 and Ms.Chithra P.George, learned Standing Counsel appearing for Respondent No.2.

3. In W.P(C)No.8408 of 2020 the following issues were raised before the learned Single Judge for consideration:

*“1. Whether Coconut Testa Oil is a proprietary food or is it a deviation of coconut oil?*

*2. Whether Coconut Testa Oil is mandatorily required to keep any standards prescribed under the Food Safety and Standards Act, 2006?*



*3. Whether the petitioner is liable to be prosecuted under Section 3(1)(zx), 26(1)(2)(ii) & 49 and 51 of the Food Safety and Standards Act, 2006 read with Regulation 2.2.1:(1) of the Food Safety Standards (Food Product Standards and Food Additives) Regulations, 2011 and Regulation 2.3.15 (1)(a) of the Food Safety and Standards (Prohibition and Restriction of Sales) Regulations, 2011?”*

The learned Single Judge answered them in favour of the 1<sup>st</sup> Respondent/Original Petitioner and allowed the Writ Petition.

4. As far as the final outcome in the proceedings is concerned, the learned Additional Director General of Prosecution appearing for the Appellants submitted that it is true that the 1<sup>st</sup> Respondent had the necessary approvals and they cannot be proceeded against the finding of the learned Single Judge. As to the question whether the Coconut Testa Oil is a proprietary food or it is a deviation of coconut oil, it is the consensus at the Bar that the finding on this question would not change the outcome of this appeal as regards the final order in respect of the 1<sup>st</sup> Respondent/Original Petitioner is concerned. Therefore, it is not necessary for us to decide this issue. This question is left open to be considered in appropriate proceedings.

5. The appeal is accordingly disposed of.

Sd/-  
**Nitin Jamdar**  
Chief Justice

Sd/-  
**S. Manu**  
Judge