

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. _____ OF 2026
(@ SLP(C) No.33597/2026)

THE STATE OF MAHARASHTRA & ORS.

APPELLANT(S)

VERSUS

M/S GURUNANK DIARY AND SWEETS
A PROPRIETARY CONCERN, & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. The present appeal has been filed assailing the judgment dated 17.08.2026 passed by the Division Bench of High Court of Bombay in Writ Petition No. 9905/2026, whereby, the suspension of respondent No.1 - Dairy's license for food was set aside. Vide the impugned order, respondent No.1 was further permitted to resume its business, and the petitioners were directed to compensate a sum of Rs.5,00,000/- to the respondent No.1 for loss of revenue, due to the suspension of its food license.

3. We are inclined to consider the issue with respect to the imposition of costs of Rs. 5,00,000/- alone.

Signature Not Verified
Digitally signed by
SWETA BAILODI
Date: 2026.10.16
16:21:23 IST
Reason: —

4. In our considered view, the High Court has erred in directing the payment of compensation, especially, when the Food Safety

and Standards Act, 2006 involves a bonafide action. The High Court has mis-construed the facts. In our considered view, the order of suspension was passed in the official capacity. We also find that the direction for payment of costs cannot be sustained in the teeth of Regulation 2.1.8(5) of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011.

5. Taking note of the aforesaid, the impugned order stands aside only with respect to the imposition of costs in the nature of compensation.
6. The appeal stands disposed of, in the aforesaid terms.
7. Pending application(s), if any, shall also stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[PRASANNA B. VARALE]

NEW DELHI;
5th OCTOBER, 2026

ITEM NO.32

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 33597/2026

[Arising out of impugned final judgment and order dated 17-08-2026 in WP No. 9905/2026 passed by the High Court of Judicature at Bombay]

THE STATE OF MAHARASHTRA & ORS.

Petitioner(s)

VERSUS

M/S GURUNANK DIARY AND SWEETS
 A PROPRIETARY CONCERN, & ORS.

Respondent(s)

IA No. 289421/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 289423/2026 - EXEMPTION FROM FILING O.T.

Date : 05-10-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
 HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) Mr. Siddharth Dharmadhikari, Adv.
 Mr. Aaditya Aniruddha Pande- 3259, AOR
 Mr. Shrirang B. Varma, Adv.
 Mr. Aditya Krishna, Adv.
 Ms. Sushmita Pandey, Adv.
 Ms. Arunima Das, Adv.
 Mr. Ashwin Arun Hirulkar, Adv.
 Ms. Kunika Bansal, Adv.

For Respondent(s) Mr. Satyajit A. Desai, Adv.
 Mr. Abhijeet A. Desai, Adv.
 Ms. Mohini Rehpade, Adv.
 Ms. Daksha Madhav, Adv.
 Mr. Vijay Singh, Adv.
 Mr. Deepesh Ramrakhiyani, Adv.
 Ms. Anagha S. Desai- 1588, AOR

UPON hearing the counsel the Court made the following
 O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)

ASTT. REGISTRAR-cum-PS

(POOJA KOHLI)

COURT MASTER (NSH)

(Signed order is placed on the file)