# Why did Tukaram Mundhe withdraw his petition after dragging the Centre to court? | Explained

## How does the jurisdiction issue between FSSAI and FDA affect businesses and consumers? The history behind the tussle and how Maharashtra had raised concerns earlier too

Published - November 21, 2026 09:22 am IST



VINAYA DESHPANDE PANDIT



Food and Drugs Authority commissioner Tukaram Mundhe. File | Photo Credit: Emmanual Yogini

A constitutional battle waged by Maharashtra's Food and Drug Administration Commissioner Tukaram Mundhe has been withdrawn. In September this year, the FDA had filed a case in the Bombay High Court, accusing the Centre of usurping its power by creating a parallel system. It hindered the work of the State government in protecting the consumers' interests, the FDA said. Adding that it impeded the work of the FDA officials by stopping them from independently raiding establishments which have been licensed by the Centre. Tukaram Mundhe's step had created a stir, pitting the Centre and the State of Maharashtra against each other over jurisdiction issues.

It also accused the FSSAI of 'clandestinely' adding new regulations. But now, the FDA Commissioner has decided to withdraw the petition. What do the documents accessed by *The Hindu* reveal? And why did Tukaram Mundhe decide to withdraw the plea? How do experts weigh in on the constitutional debate? And what does it mean for the businesses and for consumers? Is this the first time Maharashtra has raised this issue?

## What is the petition about?

At the heart of the petition filed by the Maharashtra FDA in the Bombay High Court on September 3, 2026, is a jurisdictional dispute. The FDA has argued in the petition that the Centre has gone against the grain of the Food Safety and Standards Act, 2006, to create a parallel structure of enforcement, usurping the powers of the State FDA. It has claimed that the Act itself had envisaged decentralisation of power and had delegated the executive powers of implementation to the State authorities.

According to the petition, the core of the dispute is the constitutional validity of regulations and the positions created by FSSAI (Food Safety and Standards Authority of India). Maharashtra government argued that this encroached upon the responsibilities of the State authority in food safety enforcement. The State government said that FSSAI's move was geared towards centralisation of enforcement, and contradicted the decentralised framework envisioned by the FSS Act. It pointed to the original Statement of Objects and Reasons of the Food Safety Act, which talked of the decentralisation of licensing for food products, empowering the States to issue registration and State licences.

Maharashtra government said that the new regulations and new positions hindered the effective protection of public health and consumer interests within the State. The petition challenged the constitutional validity of a few provisions of the Food Safety and Standards

(Licensing and Registration of Food Businesses) Regulations, 2011 and its amendment in 2026. It also challenged the creation of the posts of Food Analysts and Central Food Safety Officers under the Food Safety and Standards Authority of India (Recruitment and Appointment) Regulation, 2018.

“Despite the fact that the licensing and registration under the Act and rules is the business of the Commissioner of Food Safety and his Designated officer, the Food Authority launched the online platform under the name of the Food Safety and Compliance System (FosCos) vide the Public Notice 12.10.2020 for issuance of license and registration to food businesses, through which the food businesses to the maximum extent were brought under the purview of the Central Licensing Authority,” the writ petition stated.

## Which provisions were challenged?

The Maharashtra government had challenged the constitutional validity of the provisions of Regulation 1.2.1 (I), Regulation 1.2.I (3), Regulation l.2.1(6)and the Regulation 2.1.5 (2) of the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011. It also challenged the constitutional validity of the creation of the posts of Food Analysts and Central Food Safety Officers under the Food Safety and Standards Authority of India (Recruitment and Appointment) Regulation, 2018. The constitutional validity of Rule2.l.2(1) (i) Food Safety and Standards Rules, 2011 and the Constitutional Validity of Food Safety and Standards (Licensing and Registration of Food Businesses) Amendment Regulation, 2026, has also been challenged. They pertain to the definition of licencing authorities, their jurisdiction and enforcement personnel.

FDA said that in August 2011, FSSAI framed regulations which led to the creation of the “Central Licensing Authority” and the “State Licensing Authority.” This went beyond Section 36(1) of the 2006 Act, which recognised only State-appointed DOs, the State argued. In November 2018, the FSSAI created the posts of Central Food Safety Officers (FSOs) and Food Analysts (FAs), creating field machinery for the central regulator. Two years later, in October 2020, FSSAI launched the online Food Safety Compliance System (FoSCoS) portal to issue licenses and registration.

**ALSO WATCH** Watch: Why is Tukaram Mundhe on a mission to put clean food on our plates? | Pulse Maharashtra

“The Petitioner states that the despite the fact that the licensing and registration under the Act and rules is the business of the Commissioner of Food Safety and his Designated officer, the Food Authority in continuation of its earlier notice dated 28.05.2020 has launched the online platform under the name of the Food Safety and Compliances System (FosCos) replacing the earlier Food Licensing and Registration System (FLRS) vide the Public Notice 12.10.2020 for issuance of license and registration to food businesses

through which the food businesses to the maximum extent brought under the purview of the Central Licensing Authority," the petition stated.

It claimed that rules notified in January 2023, May 2023 and March 2026 further encroached upon the State's powers. In March 2026, the FSSAI revised turnover thresholds. "The Food Authority has issued the order dated 13.03.2026, vide which the revised turnover thresholds for food businesses are prescribed, in which the turnover threshold limits for registration are prescribed up to the turnover of ₹1.5 crore, for State License turnover threshold limits prescribed between ₹1.5 crore and ₹50 crore and for Central License turnover threshold limits prescribed is above ₹50 crore," the petition said.

## Why did the FDA accuse the FSSAI of being 'clandestine'?

The FDA has claimed that the FSSAI framed the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 without previous approval of the Central Government. "It shows that the objections and suggestions received from the stakeholders have been considered and finalised by the Food Safety and Standards Authority of India itself, and not placed before the Central Government for its consideration; therefore, the Regulation 2011 has been made in blatant violation of Section 92(1) of the Act and the Section 23 of the General Clauses Act, 1897," it said.

## Is this the first time Maharashtra has raised the issue?

No. According to the petition filed in the Bombay High Court, the State government had raised the issue with the Centre several times since 2021. On September 14, 2021, the Maharashtra FDA minister had written to the Union Health Minister on this. FDA has said that in 2022, an MLA had raised the issue with the agency.

"State of Maharashtra further requested the Food Authority to re-consider the orders dated 06.07.2021 and dated 02.12.2021 issued by the Food Authority as the said orders disable the state food authorities to take immediate and timely action on the complaints of the food adulteration and food safety," the petition stated.

## What does it mean for businesses and consumers?

For consumers, it means that certain establishments will be under the purview of central officials and some under State officials. The mandate of the officials of Centre and the

State remains the same: they should inspect the food items for safety.

For businesses, experts say, it means uniformity of regulations.

"Businesses often face a lot of problems because the same issue is interpreted differently in different States. People feel harassed. When businesses are working across the States, they face issues. If a business is set up under one particular law, its implementation should be uniform across the country. If the businesses see different flavours of implementation, they suffer. As far as consumers are concerned, they don't bother as long as the food is safe," said Pawan Agarwal, founder and CEO of Food Safety Foundation.

## What do experts say?

Experts said that Maharashtra has traditionally not been very proactive about food safety, and that these systems can't be built on the strength of one proactive officer. Weighing in on the debate, Mr. Agarwal said that the petition reflected a narrow way of looking at food safety. "If the FDA and FSSAI work closely in coordination with each other, the consumer will benefit the most. There is enough and more work to be handled by the food safety officers of the State establishments as well as the central establishments," he said.

He said that under the newer legislation, the threshold of businesses coming under the Centre's purview has been increased. "The businesses that come under the purview of central licensing will decrease. What is required is better coordination between the Centre and State. They have to be built based on the system in place," he said.

## Why was it decided to withdraw the petition?

On August 31, 2026, Maharashtra's Law and Judiciary Department wrote to the Government Pleader of the Bombay High Court, asking them to file a petition in the court about the issue. The petition was duly filed on September 3, 2026. After the news of the petition reached people, it created a stir. It was seen as a BJP State dragging the BJP Central government to court. The court, in the meantime, posted the matter for hearing on November 26, 2026.

*The Hindu* has now accessed documents related to the Maharashtra government's directions to officials to withdraw the petition.

On October 29, 2026, the Law and Judiciary Department wrote a letter to the Government Pleader of the Bombay High Court. This was part of the string of communication initiated by the Maharashtra government on August 31, 2026, asking that a petition be filed. In the communication dated October 29, a solicitor-cum-Joint Secretary of the Law and Judiciary Department wrote, “I am directed to inform you that, the Food and Drugs Administration Department desires to withdraw the above Writ Petition. I am, therefore, directed to request you to take necessary steps to withdraw the above Writ Petition as desired by the Food and Drug Administration Department.”

When contacted, FDA Commissioner Tukaram Mundhe refused to comment on the issue. There has been no official explanation about why the petition is withdrawn.

Published – November 21, 2026 09:22 am IST


## In Case You Missed It




Watch: Why did Maharashtra withdraw its challenge to t...



Will bank manager accept Kayalvizhi Alagiri’s...



Traffic management, not enforcement,...



Manik Saha says party probing presence of...





Don’t use language to divide people



