

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

Con.Case(C).No. 925 of 2015 (S)

WP(C) 10853/2015, DATED 12-05-2015

PETITIONER(S):

**MONIESH ENTERPRISES,
1ST FLOOR, 1-A RONDALA GOVINDAN STREET, SHEVAPET
SALEM, TAMILNADU, INDIA-636002 REPRESENTED
BY CO-PARTNER MR.MONIESH, S/O.SAJJAN RAJ, AGED 25 YEARS.**

**BY ADVS.SRI.MATHEWS K.UTHUPPACHAN
SRI.TERRY V.JAMES**

RESPONDENT(S):

**1. SHRI. YUDHVIR SINGH MALIK,
(AGE AND FATHER'S NAME NOT KNOWN)
THE CHIEF EXECUTIVE OFFICER,
FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA,
(MINISTRY OF HEALTH AND FAMILY WELFARE), FDA BHAVAN
KOTLA ROAD, NEW DELHI-110002.**

**2. MR.P.EDOLES, (AGE AND FATHER'S NAME NOT KNOWN),
THE AUTHORISED OFFICER
COCHIN SEAPORT AND AIRPORT FOOD
SAFETY AND STANDARDS AUTHORITY OF INDIA, 1ST FLOOR
MARINE BUILDING, NORTH END, WILLINGDON ISLAND,
COCHIN-682009.**

**BY ADVS. SRI.MEHMOOD PRACHA
SRI.PAUL JACOB
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL**

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR
ADMISSION ON 02-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

PJ

Con.Case(C).No. 925 of 2015 (S)

APPENDIX

PETITIONERS' ANNEXURES

ANNEXURE A: COPY OF THE JUDGMENT DATED 12/5/15 IN WPC.10853/2015

ANNEXURE B: COPY OF THE LETTER DATED 5/6/15 OF THE R1 TO THE PETITIONER

**ANNEXURE C: COPY OF THE LAWYERS NOTICE DATED 9/6/15 ISSUED ON BEHALF
OF THE PETITIONER.**

RESPONDENTS' ANNEXURE

NIL.

/ TRUE COPY /

P.S TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

Contempt of Court Case(C) No.925 of 2015

Dated this the 2nd day of July, 2015

JUDGMENT

This Contempt Case is arising from the judgment of this Court in W.P.(C) No.10853/2015, directing the respondents to release the goods on condition that the petitioner cured the defect as pointed out by the Department. Thereafter, it appears that an order has been passed, which is produced as Annexure-B dated 5.6.2015 stating that defects cannot be cured. The petitioner relies on the Circular issued by the Food Safety and Standards Authority of India dated 23.3.2012 and submits that these defects are curable.

In view of Annexure-B, I am of the view that the petitioner is free to challenge the same by filing separate writ petition as the validity of the same cannot be decided in the Contempt Proceedings.

With the above observations, the Contempt Case is closed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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