

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5766/2015**

M/S PUNJAB STORES Petitioner

Through: Mr. M.Y. Deshmukh, Advocate

versus

**CHIEF EXECUTIVE OFFICER, FOOD SAFETY AND
STANDARDS AUTHORITY OF INDIA & ORS** Respondents

Through: Mr. Mehmood Pracha and Mr. Veer

Vijay Singh, Advocates for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

28.05.2015

%

CM No.10377/2015 (Exemption) and 10379/2015 (Exemption)

1. Allowed subject to just exceptions.

W.P.(C) 5766/2015 and CM No.10378/2015 (Interim relief)

2. Issue notice to the respondents.

3. Mr. Pracha accepts notice on behalf of respondent no.1 and 2.

4. In view of the directions that I propose to pass, no notice need be issued to respondent no.3 and 4.

5. The petitioner approached this court for the relief of testing the sample of skimmed milk powder which, it says, it has purchased from respondent no.3.

5.1 According to the petitioner, a sample from the consignment supplied by respondent no.3 was sent for testing to the respondent no.4 laboratory; which revealed that sample tested contained 18.79% of added sugar, which, according to the report generated, categorized

the product as “sub-standard”.

6. The petitioner, thereafter, it appears has sent two representations to respondent no.1 and 2, which are dated 28.04.2015 and 11.05.2015, for having a sample tested. Since, the petitioner did not get necessary response, it has chosen to file the captioned petition.

7. Mr. Pracha says that respondent no.1 and 2 would take a sample from the consignment, apparently supplied by respondent no.3, and have the same tested. Learned counsel also states that the report so generated will be supplied to the petitioner.

8. In these circumstances, the writ petition and the pending application are disposed of with a direction to respondent no.1 and 2 to do the needful in the matter, as indicated above. However, before a sample is taken, respondent no.1 and 2 will issue notice to respondent no.3, and seek its representatives' presence at the stage when the sample is drawn. Objections, if any, of respondent no.3, will be entertained and dealt with.

8.1 Needless to say, respondent no.1 and 2, post the generation of the report, will act thereafter, in accordance with the extant provisions of law.

8.2 The Registry will despatch a copy of this order to respondent no.3.

9. Dasti.

RAJIV SHAKDHER, J

MAY 28, 2015

yg

W.P.(C) 5766/2015

page 1 of 2