

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1619 OF 2016
IN
WRIT PETITION NO.7552 OF 2013

Luthra Water Systems Pvt. Ltd. &
Anr. ...Applicants
In the matter between

Luthra Water Systems Pvt. Ltd. &
Anr. ...Petitioners
Versus

Union of India and Ors. ...Respondents

...

Mr. Ravi Bhardwaj for the Applicants.
Mr. Vijay Kantharia with Mr. D.R. Shah for Respondent No.1-
Union of India.
Ms Sneha Singh for Respondent Nos. 2 and 4
Mr. V.M. Mali, A.G.P for Respondent No.6-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 5th AUGUST, 2016.

P. C. :

By this application the Applicants are seeking following
reliefs:

“a) The Respondent No.2 may kindly be directed to
suitably modify/clarify/amend the office order dated
27.04.2016 to the effect that packaged natural spring

water, being a proprietary food product and having received provisional NOC is exempt from BIS license/certification and can be sold without ISI/FSSAI Mark.

b) The Show Cause Notice dated 07.06.2016 be kindly stayed.”

2. So far as the relief in prayer clause (a) is concerned, the learned counsel for the Applicants tendered copy of the interim clarification dated 4th August, 2016 by Assistant Director, (Enforcement), Food Safety and Standards Authority of India (Enforcement Division). The learned counsel for the Applicants submits that in view of this clarification, the relief claimed in the prayer clause (a) will not survive.

3. So far as the relief claimed in prayer clause (b) is concerned, in our view, the Applicants are always at liberty to give reply to the said show cause notice and the responsible authority are bound to consider the same in the light of the interim clarification referred above. We are, therefore, not inclined to entertain the prayer clause (b) at this stage.

4. The application is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)