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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 210 OF 2015

Lopesh Shantilal Vora ... Petitioner

Versus

Union of India and Ors. ... Respondents

Mr. Rui Rodrigues a/w Mr. Abhishek Tripathi for the petitioner.

Mr. Anil Singh, Additional Solicitor General along with Mr. Suresh Kumar, Sangeeta Yadav for Union of India, respondent no.1.

Ms. Usha Shrivastava i/by Consulta Juris for respondent no. 5.

Mr.T.J.Pandian for respondent nos. 2, 3 and 4.

**CORAM : SHANTANU KEMKAR &
MAKARAND KARNIK, JJ.
DATED : JUNE 10, 2016.**

P.C.

Parties through their counsel.

2. This petition was filed on 17.12.2015. In the meanwhile we find that the Supreme Court in the Special Leave Petition No.3249 of 2016 while considering I.A. No. 3/2016 vide order dated 13.5.2016 has passed the following order :

“ Application for exemption from filing official translation is allowed.

We have heard Shri. Raju Ramchandran,

learned senior counsel for the applicant/petitioners and Shri. Ranjit Kumar, learned Solicitor General.

We have taken into account the reports of analysis of the packaged/bottles water with the brand name "Rail Neer" filed along with this application, which would go to show that the analysis of the samples were found to be sub-standard and not in conformity with the required parameters. The details of such analysis are mentioned in the said reports.

We have also considered the reply filed on behalf of the Indian Railway Catering & Tourism Corporation Limited (I.R.C.T.C.) and the counter reports filed along with it which indicates a contrary position.

We have also taken note of the submissions advanced by the learned Solicitor General that insofar as one sample is concerned, the same was analyzed after the date of expiry of the product, which fact is, however, disputed by the applicants/petitioners.

Taking into account the totality of the said facts, we direct that the operation of the circulars bearing No.BB C.159 Co Catg. Policy PDW Dated 13th October, 2015 and 17th October, 2015 will not come in the way of the catering/vending licensees in Mumbai Division to stock up and deal with other brands of packaged/bottled water, in addition to "Rail Neer", such of which are approved by the zonal railways.

This order will remain in effect until the next date fixed, i.e. 5th July, 2016.

Counter affidavit(s) by the respondents in the special leave petition be filed on or before the next date.

List the matter on 5th July, 2016.”

3. Learned Additional Solicitor General appearing for the Railways submits that in view of the fact that the issue involved in this petition is pending before the Supreme Court and since there is already an interim order, no further orders are required in this petition.

4. Learned counsel for the petitioner submits that the Western Railways have not complied with the order of the Supreme Court in its correct perspective. He submits that the water other than 'Rail Neer' Brand though made available but not in smaller quantity. As a result, the commuters have to suffer and they have to pay extra amount for purchasing the bottle.

5. Mr. Singh, learned Additional Solicitor General however, has disputed the aforesaid position. He however, very fairly stated that even this aspect of the matter will be looked into by the Western Railway Authorities and appropriate steps will be taken for strict compliance of the interim order passed by the Supreme Court.

6. Recording the aforesaid submissions, we dispose of this petition. In case the petitioner feels, he may file appropriate

application seeking intervention in the matter which is pending before the Supreme Court.

Petition is accordingly disposed of.

(MAKARAND KARNIK, J.) (SHANTANU KEMKAR, J.)