

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17080 of 2012

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1. Wast Fragrances, Through Its Proprietor Pradeep Kumar Rungta Son Of
Late Satya Narayan Prasad Jee Rungta Resident Of 80, Ghaniyamat Chak,
Bobina Road, P.S. Kotwali District Gorakhpur (Uttar Pradesh)

.... Petitioner/s

Versus

1. The Union Of India Through Secretary, Ministry Of Health And Family
Welfare, Government Of India, New Delhi
2. The Secretary, Ministry Of Commerce, Government Of India, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan,
Mr. Chandan Kumar, Advocate
For the Respondent/s : Mr. Kumar Priya Ranjan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

14 09-01-2017 Heard the parties.

In the present writ petition, primarily a question has been raised by the petitioner that Tobacco manufacturer is not supposed to print label of Nicotine in the wrapper of the product as Central Government has not provided the maximum permissible limit of the Nicotine and Tar particularly on the product of Tobacco.

Without deciding the issue this writ petition is disposed of as counsel for the Union of India has drawn the attention of this Court that certain provision of Section 7 has not been enforced till date which is apparent from Gazette Notification dated 16th November, 2007 provides as follows:



“S.O.1955(E).- In exercise of the powers conferred by Sub section (3) of Section 1 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (34 of 2003), the Central Government hereby appoints 1st day of December, 2007 as the date on which the provisions of Section 7(1)(2)(3)(4), 8, 9, 10 and 20 of the said Act shall come into force.”

The aforesaid Gazette Notification makes it very much clear that Section 7(5) and 11 of the Act have not been enforced unless the provisions are enforced there would be no question of any violation by any citizen and for that the person cannot be held liable for violating the terms of mandated in that provision.

Learned counsel for Union of India has submitted that petitioner has no locus standi to file this writ petition as he has not mentioned in the writ petition situs of his establishment or his place of business whereupon learned counsel for the petitioner submits that petitioner has business in the State of Bihar.

As fundamental fact is not mentioned in the writ petition as well as in the counter affidavit so this Court is not



deciding the aforesaid issue.

This Court does not find any merit in the present writ petition. It is accordingly dismissed.

(Shivaji Pandey, J)

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