

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

-.-

FAO 3134 of 2019 (O&M)

Date of decision: 21.05.2019

ITC Limited

.....Appellant

Versus

State of Haryana and others

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. R S Rai, Senior Advocate with
Mr. Aman Bahri, Advocate
for the appellant

-.-

Rekha Mittal, J. (Oral)

Challenge in the present appeal has been directed against order dated 14.02.2019 passed the Presiding Officer, Food Safety Appellate Tribunal, Gurugram whereby notice issued to the appellant by the Additional Deputy Commissioner-cum-Adjudicating Officer, has been set aside on the premise that the notice is against the principles of law and lacks proper adjudication, as required under the Food Safety and Standards Act, 2006 and Rules framed thereunder.

The precise grievance of the appellant is that though the notice issued against the appellant has been set aside by the Food Safety Appellate Tribunal but certain observations made in the impugned order may cause prejudice to the appellant in case proceedings are initiated in future against the appellant and actually a notice has already been issued by the Adjudicating Officer.

The appellate Tribunal, in para 31 of the impugned order has held, reads thus:-

“31. Needless to say, the detailed discussion made above is only to clarify the relevant provisions of the act coupled with the rules and regulations required to be considered for deciding the issue in question and thus anything stated in this judgment shall not be misconstrued as expression of opinion on the merits of the controversy and learned Adjudicating Officer shall decide the representation made by retailer as per law by hearing both the parties, FSO and the retailer.”

Though the observations made in para 31 of the impugned order do not admit any clarification but still it is reiterated that the Adjudicating Officer shall decide the matter pending before it without being influenced by the observations made in the impugned order. As prayed by counsel, the appellant would be entitle to raise all available plea(s), in accordance with law, before the authority concerned.

Disposed of.

(Rekha Mittal)
Judge

21.05.2019
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No