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

+ W.P.(C) 2480/2019

ITSSPOSSIBLE MARKETING LIMITED Petitioner

Through: Mr A. S. Chandhiok, Sr. Advocate
with Mr Ritesh Kumar, Mr Ankan
Suri, Mr Rishab Aggarwal and Ms
Ramya, Advocates.

versus

UNION OF INDIA AND ANR. Respondents

Through: Mrs Bharathi Raju, CGSC for UOI.
Mr Prateek Gupta, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **12.03.2019**

CM No.11529/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 2480/2019 & CM No.11528/2019

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 27.02.2019 passed by respondent no.2 (Food Safety and Standards Authority of India) not recommending the approval for petitioner's product. It is seen that the said order is an appealable order and an appeal lies under Section 4(6) of the Food Safety and Standards (Approval of Non-Specified Food and Food Ingredients) Regulations, 2017. Mr Chandhiok, learned senior counsel appearing for the petitioner submits that the said appellate remedy is illusory, as the appeal lies to the

chairperson of the same body that had rejected the approval for the petitioner's product. However, it is seen that the petitioner had not challenged the validity of the aforesaid provisions. Mr Chandhiok, learned senior counsel seeks to withdraw the present petition with liberty to file afresh including the challenge to the aforesaid Regulation.

3. The petition is dismissed as withdrawn with the aforesaid liberty. The pending application is disposed of.

MARCH 12, 2019
MK

VIBHU BAKHRU, J