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

+ **W.P.(C) 2473/2019**

ITSSPOSSIBLE NUTRACETICALS 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

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12.03.2019

CM No.11515/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 2473/2019 & CM No.11514/2019

2. The petitioner has filed the present petition, *inter alia*, impugning an order dated 27.02.2019, passed by the 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 Sub-clause 6 of Section 4 of the Food Safety and Standards (Approval of Non-specified Food and Food Ingredients) Regulations, 2017.

3. Mr Chandhiok, the learned senior counsel appearing for the petitioner, submits that the said appellate remedy is illusory as it lies to the chairperson of the same body that had rejected the petitioner's approval. However, it is seen that the petitioner has not challenged the validity of the aforesaid provisions.
4. Mr Chandhiok, learned senior counsel, seeks to withdraw the present petition, with liberty to file afresh including the challenge to the aforesaid Regulations.
5. The petition is dismissed as withdrawn with the aforesaid liberty.

VIBHU BAKHRU, J

MARCH 12, 2019
MK