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

+ W.P.(C) 13025/2018 & C.Ms.No.50598/2018, 38039/2019

% *Decided on: 30th January, 2020.*

SHIVASHISH DWIVEDI AND ANR.

..... Petitioners

Through: Mr.Adhirath Singh, Adv. with
Mr.Madhav Narayan, Mr.Ashish Garg, Advs.

Versus

FOOD SAFETY AND STANDARDS

AUTHORITY OF INDIA AND ORS.

..... Respondents

Through: Mr.Mehmood Pracha, Adv. with
Ms.Sanawar, Mr.Jatin Bhatt, Advs. for R-1.
Mr.Anurag Ahluwalia, CGSC with Mr.Abhigya
Siddhant, Mr.Shaurya Jain, Advs. for R-2&4.
Mr.Amit Bansal, SSC with Mr.Aman Rewaria,
Ms.Vipasha Mishra, Advs. for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

: **D.N.PATEL, Chief Justice (Oral)**

1. This public interest litigation has been preferred with the following prayers:-

“It is, therefore, most respectfully prayed that in view of the aforesaid facts and circumstances, this Hon'ble Court may be pleased to;

a) Issue a writ of Mandamus or Certiorari or any other appropriate writ or direction to quash/repeal the Direction

dated 16.08.2018 and the guidance note No. 04 of 2018 released by the Respondent No. 1, as illegal and void ab initio;

b) Issue a writ of Mandamus or any other appropriate writ or direction to the Respondents to permanently restraint the import of artificial fruit ripening sachet in any form whatsoever throughout the territory of India;

c) Cost of the proceeding may also be directed against the Respondent and in favour of the Petitioners;”

2. Having heard the learned counsel for the parties and looking to the facts and circumstances of the case, it appears that several grievances have been ventilated by the petitioner about the use of Ethepone in powder form being used for ripening of the fruits. Learned counsel for the petitioner has also drawn out attention to the notification which is at page No.67 (Annexure -4) dated 16th August, 2018.

3. It appears that Food Safety and Standards Authority of India has permitted import of Ethepone in powder form, however, as per the petitioner, the effect of this is dangerous to public health.

4. It appears that to arrive at any conclusion about the effect of Ethepone in powder form, which is being used for artificial ripening of the fruits, depends upon the cogent and convincing evidence produced by the petitioner. Evidence of experts in the field is also required which will be subject to the cross-examination by the other side. In this eventuality, we see no reason to entertain this writ petition.

5. Nevertheless, we direct the respondents to treat this writ petition as a representation and look into the grievances ventilated by the petitioner. If need arises, they can also have further discussion with the experts to revisit

the conclusions arrived at by the respondents for the usage of Ethepone in powder form which is allowed to be used for artificial ripening of the fruits.

6. With these observations, this writ petition is disposed of. The pending applications also stand disposed of

CHIEF JUSTICE

C.HARI SHANKAR, J

JANUARY 30, 2020

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