



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17441 of 2014

and

M.P.Nos.1 to 4 of 2014

M/s.Fresh and Honest Cafe Ltd.,
Rep. by its Legal Manager,
4th Floor, Tower 2,
TVH Beliciaa Tower,
MRC Nagar, Chennai 28.

... Petitioner

Vs

1. Union of India through Secretary,
Ministry of Health and Family Welfare,
Government of India,
Department of Food,
Nirman Bhavan,
New Delhi-110 011.

2. Food Safety and Standards Authority of India,
FDA Bhavan,
Near Bal Bhavan , Kotala Road,
New Delhi-110002.

3. The Government of India.
Rep. by its Authorised Officer,
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
C-I-D Rajaji Bhavan,
Chennai-600 090.

4. The Deputy Commissioner (Customs-Docks),
Seaport
Customs House,
Rajaji Salai, Chennai-1.

.. Respondents



PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the guidelines for product approval procedure issued by the second respondent dated 11.5.13, vide No. P.15025/01/2013-PA/FSSAI and the letters dated 9.12.13 vide F.No.1/2013/FSSAI/CHN-IMPORT and 10.12.13 vide F.No.1/2013/FSSAI/CHN-IMPORT issued by the third respondent to the fourth respondent as the same is contrary to the rules and regulations framed there under and therefore it is ultravires the provisions of the Food Safety and Standards Act 2006, and to quash the same and consequently direct the second respondent to approve the petitioner's company consignment.

For Petitioner :Mr.G.Mutharasu

For Respondents :Mr.J.Madanagopal Rao
Sr. Central Govt.Standing Counsel
[For R1]
Mr.Su.Srinivasan
Sr. Central Govt. Standing Counsel
[For R2 and R3]

Mr.V.Sundareswaran
Special Panel Counsel
[For R4]

ORDER

The guidelines issued by the second respondent on 11.05.2013 and the subsequent letter issued by the second respondent to the third respondent dated 09.10.2013 are under challenge in the present writ petition.

2. The said guidelines dated 11.05.2010 was under challenge before the High Court of Bombay and the Bombay High Court quashed the said guidelines against which the Food Safety and Standards Authority of India preferred Special Leave to Appeal (C) No(s).23872-23874 of 2014, before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India dismissed the Special Leave to Appeal and confirmed the judgment of the Bombay High Court quashing the guidelines dated 11.05.2013.

3. The facts in the present case are admittedly similar, the learned Senior Central Government Standing Counsel appearing on behalf of the respondents made a submission that the judgement of the Bombay High Court which is confirmed by the Hon'ble Supreme Court was implemented by the respondents and the revised guidelines was issued on 13.09.2017.



4. Thus no further adjudication is required as the impugned guidelines was already quashed which was upheld by the Hon'ble Supreme Court and the Revised guidelines were issued by the Food Safety and Standards Authority of India on 13.09.2017. Thus the case of the petitioner is to be considered in the light of the judgments cited supra and the new guidelines issued by the respondents in proceedings dated 13.09.2017.

5. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nti/vs

To

1. The Secretary,
Ministry of Health and Family Welfare,
Government of India,
Department of Food,
Nirman Bhavan,
New Delhi-110 011.
2. Food Safety and Standards Authority of India,
FDA Bhavan,
Near Bal Bhavan , Kotala Road,
New Delhi-110002.
3. The Authorised Officer,
The Government of India.
Food Safety and Standards Authority of India,
Ministry of Health and Family Welfare,
C-I-D Rajaji Bhavan,
Chennai-600 090.
4. The Deputy Commissioner (Customs-Docks),
Seaport
Customs House,
Rajaji Salai, Chennai-1.

+1 cc to Mr.G.Mutharasu, Advocate Sr.NO. 58390

+1 cc to Mr.V.Sundareswaran, Advocate Sr.NO. 58569

W.P.No.17441 of 2014
and

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KV(CO)

A.SK(26.11.2021)