

D/L.4.
May 9, 2024.
MNS.

WPA No. 6460 of 2024

Independent Research Ethics Society
Vs.
State of West Bengal and others

Mr. Pratik Dhar,
Mr. Pranit Bag,
Mr. Vikram Wadhera,
Ms. Aasia Hasan

... for the petitioner.

Mr. Susovan Sengupta,
Mr. Subir Pal

...for the State.

Ms. Manika Roy

...for the FSSAI.

1. Learned senior counsel appearing for the petitioner fairly points out that as per the report filed on behalf of the respondent nos. 4, 5 and 6, that is, the Food Safety and Standards Authority of India (FSSAI), a decision has been taken on the complaint made by the petitioner.
2. Upon hearing learned counsel and perusal of the report, it is evident that the respondent authorities have taken a decision on the complaint of the petitioner on October 12,

2023, annexed at page 13 of the report filed the said respondents.

3. Accordingly, the cause of action regarding inaction on the part of the authorities has been rendered infructuous.
4. However, needless to say, it will be open to the appearing parties, including the petitioner, to challenge the decision now taken by the respondent authorities in an independent writ petition/challenge.
5. Accordingly, WPA No. 6460 of 2024 is disposed of by keeping on record the report filed by the respondent nos. 4 to 6 and granting liberty to the petitioner and any other aggrieved party to challenge the decision taken by the respondent authorities on October 12, 2023, annexed at page 13 of the said report. Since the said decision was disclosed to the petitioner only by way of the report for the first time, the appropriate forum/court taking up the challenge, shall duly consider such fact while considering the question of delay if any.
6. It is made clear that the contentions of the parties regarding such proposed challenge have not been gone into on merits by this

Court and it will be open to the appropriate forum/court to decide all the issues independently in accordance with law.

7. There will be no order as to costs.
8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)