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

+ W.P.(C) 3208/2024 & CM APPL. 13174/2024

SHEETAL DHARIWAL

..... Petitioner

Through: Mr. Chandan Bhatia and Mr. Sachin  
Kumar, Advocates

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Kirtiman Singh, CGSC, UOI with  
Mr. Rudra Paliwal, GP, Mr. Waize  
Ali Noor, Mr. Varun Rajawat, Mr.  
Varun P Singh, Mr. Kartik Baijal, Ms.  
Vidhi Jain and Ms. Shreya V Mehra,  
Advocates for R-1/UOI  
Mr. Rishabh Srivastava and Mr.  
Kartik Sharma, Advocates for Mr.  
Santosh Kumar Tripathi, Standing  
Counsel (Civil), R-2/GNCTD

**CORAM:**

**HON'BLE THE ACTING CHIEF JUSTICE**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

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**04.03.2024**

**CM APPL. 13174/2024 (for exemption)**

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

**W.P.(C) 3208/2024**

1. Present public interest litigation has been filed seeking compliance of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 which prohibits use of tobacco and nicotine as ingredients in any food product. The Petitioner further prays for



prohibition of manufacture, storage, distribution, or sale of tobacco within India.

2. The admitted position is that the Hon'ble Supreme Court of India in Transfer Case (Civil) No. 1/2010 has stated that the statutory authorities are bound to enforce the Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011. However, no empirical data has been placed on record by the Petitioner to show that the product in question uses tobacco and nicotine as ingredients. The Petitioner has not even impleaded Food Safety and Standards Authority of India (FSSAI) which is the regulator under the Food Safety and Standards Act, 2006.

3. Consequently, the present public interest litigation is dismissed. However, the Petitioner is given liberty to file a fresh petition with the relevant data and after impleading the necessary parties.

**ACTING CHIEF JUSTICE**

**MANMEET PRITAM SINGH ARORA, J**

**MARCH 4, 2024/msh**