



\$~SB-18

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

+ **W.P.(C) 4470/2023**

DHARAMPAL SATYAPAL LIMITED AND ANR Petitioners

Through: Mr. C.S. Vaidyanathan, Sr. Adv. and
Mr. Vivek Kohli, Sr. Adv. with Mr.
Sanjai Kumar Pathak, Mr. Nalin
Talwar, Mr. Arvind Kumar Tripathi
and, Mrs. Shashi Pathak, Advocates

versus

UNION OF INDIA THROUGH SECRETARY Respondent

Through: Mr. Mukul Singh, CGSC, UOI
Mr. Aditya Singla, Advocate for R-2.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

06.09.2024

REVIEW PET. 318/2024

1. Learned senior counsel for the Petitioners states that in this review petition, the Petitioners seek a limited review of the statements attributed to the Petitioners in the judgment dated 09th July, 2024 at paragraphs 23.2, 29 and 33.

2. He states that while it is a matter of record that Areca nut has been classified as Group I cancer-causing agent by International Agency for Research on Cancer (IARC), Lyon (WHO); the Petitioners herein do not admit that Areca nut is a cancer-causing agent. He states therefore, paragraph 23.2 of the judgment, be re-cast to reflect this stand of the

W.P.(C) 4470/2023

Page 1 of 4



Petitioners.

3. He states that in the writ petition, the Petitioners have raised grounds that the impugned regulation encroaches upon the rights of the Petitioners under the Trademarks Act, 1999 and Copyright Act, 1957. He states that the Petitioners have not abandoned the said challenge and to this extent, paragraph 29 of the judgment be re-cast to record the Petitioners' stand.

4. He lastly states that at paragraph 33 of the judgment, this Court has recorded that the Petitioners accept that Pan Masala is a health hazard. He states that this is not correct. He states that the display of the statutory warning 'Chewing of Pan Masala is injurious to health' on the product is only in compliance of the statutory Regulations. He states, however, Petitioners do not acknowledge or admit that Pan Masala is indeed a health hazard to the consumers. He states, therefore, that the said paragraph 33 be, accordingly, recast.

5. He clarifies that the impugned regulation has since been implemented by the Petitioners and the statutory warning is now displayed to the extent of 50% on the front-of-pack of the label.

6. This Court has considered the submissions of the Petitioners.

7. The classification of Areca nut, by IARC as a Group I cancer-causing agent is a matter of record. This fact, as regards its classification by IARC, is not disputed by the Petitioners. Paragraph 23.2 of the judgment only records this fact and therefore, the submission of the Petitioners that the said paragraph needs to be re-cast does not find any favour with the Court and is accordingly, rejected.

8. The fact that the Petitioners in the grounds pleaded in the writ petition averred that the impugned regulation takes away their right under the



Trademarks Act, 1999 and Copyright Act, 1957 is a matter of record. However, this Court at paragraph 29 of the judgment has rightly recorded that the said grounds were neither pressed during arguments nor raised in the written submissions filed by the Petitioners on 28.04.2024. Therefore, in view of this factual position, paragraph 29 of the judgment does not suffer from any error and the prayer of the Petitioner is accordingly rejected.

9. The Petitioners lastly pray that this Court may clarify paragraph 33 of the judgment appropriately to record the Petitioners' stand, as Petitioners do not admit that Pan Masala is a health hazard. The Pan Masala product has been carrying a statutory warning that it is injurious to health since 1990. The statutory warning 'Chewing of Pan Masala is injurious to health' has appeared on the product since 2011 and continues till date. In fact, the product since 1990 carried the warning 'Chewing of Pan Masala may be injurious to health'. The Petitioners' product admittedly carries the said statutory warning and as recorded in the said judgment, there was no challenge by the Petitioners to the contents of the warning. It was in this background that this Court observed that the Petitioners herein accept that Pan Masala is a health hazard. In our considered opinion, the observation made by this Court at paragraph 33 of the judgment ought to be read in this context. However, to allay the concern raised by the Petitioners, paragraph 33 of the judgment is re-cast to the following extent:

"The perusal of the expert Reports and guidelines dated 6th December, 2018 of the MoHFW, in fact, shows that though there is a worldwide recommendation for banning the product of Pan Masala, yet the Food Authority has for the present only taken the limited step of increasing the warning size. The resistance of the Petitioners to the increase in the warning



size while accepting the existence of the health hazard of the Pan Masala by displaying the statutory warning on the packaging of the product that ‘Chewing of Pan Masala is injurious to health’ and as evidenced by the expert studies, shows that the Petitioners are only seeking to subserve their personal interest without having regard for the public health."

10. No other arguments were pressed by the Petitioners.

11. With the aforesaid limited clarification to paragraph 33 of the judgment, the present review petition is disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 6, 2024/msh/MG