



\$~43

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

+ **W.P.(C) 4077/2024 & CM APPL. 16661/2024**

SHEETAL DHARIWAL

..... Petitioner

Through: Mr. Chandan Bhatia (through VC)
and Mr. Maneesh Kumar, Advocates

versus

UNION OF INDIA & ORS.

..... Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr.
Waize Ali Noor, Mr. Varun Rajawat,
Mr. Kartik Baijal, Mr. Varun Pratap
Singh and Ms. Vidhi Jain, Advocate
for UOI/R-1
Mr. Rishabh Srivastava and Mr.
Kartik Sharma, Advocates for Mr.
Santosh Kumar Tripathi, Standing
Counsel (Civil), GNCTD/R-2
Mr. Aditya Singla, Mr. Raghav
Bakshi and Mr. Anand Pandey,
Advocates for FSSAI

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

%

18.03.2024

CM APPL. 16661/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

W.P.(C) 4077/2024

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. A perusal of the paper book reveals that the Petitioner has not made any prior representation to any statutory authority before approaching this Court. Consequently, the present writ petition is disposed of with a direction to Food Safety and Standards Authority of India (FSSAI) to treat the present writ petition as representation and to decide the same in accordance with law after giving an opportunity of hearing to Petitioner. Let the said representation be disposed of as expeditiously as possible.

3. This Court clarifies that it has not commented upon the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 18, 2024/msh