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

+ **W.P.(C) 8774/2023**

YATIN SHARMA

..... Petitioner

Through: Mr. Prashant Gupta and Mr. Yatin
Sharma, Advocates.

versus

**FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA
(FSSAI) & ORS.**

..... Respondents

Through: Mr. Rakesh Chaudhary and Ms.
Tanvi, Advocates for R-1.
Mr. Vikas Kumar, Advocate for R-2.
Mr. Utkarsh Singh and Mr. Rishabh
Srivastava, Advocates for Mr.
Santosh Kumar Tripathi, SC for
GNCTD/R-3.
Ms. Pratima N. Lakra, CGSC with
Mr. Kashish G. Baweja, Advocate for
R-4.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

20.02.2024

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1. The Petitioner has approached this Court with the following prayers:

“a) Direct the Respondent No. 1, 3 & 4 to initiate strict and prompt action against Respondent No. 2. This may include imposing heavy fines, cancelling their FSSAI license, and even imposing imprisonment on the owners of Respondent No. 2. Furthermore, the Court may order for sealing the outlets owned by Respondent No. 2 that are found to be in violation of the norms and



laws established by Respondent No. 1. The Court may ensure that appropriate actions are taken in accordance with the law to address the violations committed by Respondent No. 2.

b) Direct Respondent No. 1, the Food Safety and Standards Authority of India (FSSAI), to grant compensation to the Petitioner for the physical and emotional harm suffered as a result of the FSSAI's failure to fulfill its responsibilities.

c) Direct Respondent No. 1 takes immediate corrective measures to rectify their non-compliance and strengthen their oversight to prevent similar incidents in the future. Safeguard public health and the strict implementation of food safety regulations by providing necessary directions to Respondent No. 1 to enhance their monitoring and enforcement mechanisms.

d) Hold Respondent No. 1 accountable for their negligence and dereliction of duty, and send a strong message that endangering the lives and emotions of citizens through the issuance of licenses to incapable food business operators will not be tolerated.

e) Uphold the principles of Article 21 of the Constitution of India, which guarantees the right to life and personal liberty, by ensuring that food safety and standards are effectively enforced and upheld by Respondent No. 1.

f) The court may pass such other and further orders as this Hon'ble Court may deem fit and necessary in the facts and circumstances of the case.”

2. It is the case of the Petitioner that he purchased a Red Velvet Muffin from the Respondent No.2/shop. It is stated that after consuming the Red



Velvet Muffin, the Petitioner fell ill and thereafter, filed a complaint with the Respondent No.1/FSSAI. It is stated that since no action was being taken, the Petitioner has approached this Court with the aforesaid prayers.

3. A status report has been filed. Paragraph Nos.9 to 12 of the status report reads as under:

“9. I say that vide email dated 21.07.2023, the concerned Food Safety Officer, Govt. of NCT of Delhi forwarded the action taken report dated 20.07.2023 to the respondent no.1 and the same was forwarded to the Writ Petitioner vide email dated 11.08.2023. Copies of the emails dated 21.07.2023, 11.08.2023 and the Action Taken Report dated 20.07.2023 are annexed herewith as ANNEXURE-RI/3 (Colly).

10. I say that according to the Action Taken Report dated 20.07.2023, the samples drawn by the concerned Food Safety Officer, Govt. of NCT of Delhi were sent to Food Analyst, Delhi for analysis under the FSS Act, 2006.

11. I say that the Food Analyst, Delhi submitted his Reports as detailed below:-

<i>S. No.</i>	<i>Report No.</i>	<i>Dated</i>	<i>Remarks/Opinion</i>
<i>1.</i>	<i>FSS/2247/2023</i>	<i>01.06.2023</i>	<i>The sample is not in contravention of FSS Act, 2006.</i>
<i>2.</i>	<i>FSS/2260/2023</i>	<i>01.06.2023</i>	<i>The sample is not in contravention of FSS Act, 2006.</i>
<i>3.</i>	<i>FSS/2280/2023</i>	<i>02.06.2023</i>	<i>The sample is not in contravention of FSS Act, 2006.</i>
<i>4.</i>	<i>FSS/2291/2023</i>	<i>06.06.2023</i>	<i>The sample is not in contravention of</i>



			<i>FSS Act, 2006.</i>
5.	<i>FSS/2308/2023</i>	<i>08.06.2023</i>	<i>The sample is not in contravention of FSS Act, 2006.</i>
6.	<i>FSS/2325/2023</i>	<i>12.06.2023</i>	<i>The sample is not in contravention of FSS Act, 2006.</i>

12. I say that the Respondent No. I vide email dated 18.09.2023 sought clarifications from the concerned Food Safety Officer, Govt. of NCT of Delhi, in respect of the samples and Analysis Report to which, the reply was received vide Email dated 22.09.2023. Copies of the Emails dated 18.09.2023 and 22.09.2023 are annexed herewith as ANNEXURE-R1/5 (Colly). ”

4. In view of the fact that samples of various food items had been taken from the Respondent No.2/shop and the samples were not found in contravention of FSS Act, 2006, this Court is not inclined to proceed further with the writ petition.

5. The writ petition is disposed of, along with pending application(s), if any.

6. It is made clear that this Court has not made any observations on the allegations made by the Petitioner regarding the red velvet muffin purchased by him on 13.04.2023.

7. It is always open for the Petitioner to take recourse to all such remedies, as may be available to him, in accordance with law.

SUBRAMONIUM PRASAD, J

FEBRUARY 20, 2024

S. Zakir