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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 1428/2023 and CM APPLs.37415/2024, 39043/2024,
39044/2024, 62033/2024, 8152/2025
TATA CONSUMER PRODUCTS LIMITEDPetitioner

Through: Dr. Abhishek Manu Singhvi, Senior Advocate (through VC) along with Mr. Sandeep Sethi, Sr. Advocate, Mr. Achuthan Sreekumar, Mr. Rohil Bansal, Mr. Swastik Bisarya, Mr. Avishkar Singhvi, Mr. Yash Johri, Mr. Lzafeer Ahmed, Mr. Mushtaq Salim and Ms. Riya Kumar, Advocates.

versus

FOOD SAFETY AND STANDARDS AUTHORITY OF INDIA

.....Respondent

Through: Mr. Rakesh Chaudhary, Advocate for FSSAI along with Ms. Shruti Mishra, Legal Consultant, FSSAI.
Mr. Mukul Singh, CGSC along with Mr. Aryan Dhaka, Advocate for UOI.
Ms. Malvika Trivedi, Senior Advocate along with Ms. Niharika Singh and Mr. Shailendra Slaria, Advocates for Intervenor (FIPMA).
Ms. Ranu Purohit and Mr. Yashas R. K., Advocates for Intervenor (All India Consumer Protection & Action Committee).

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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19.02.2025

1. The present petition, *inter alia*, impugns the order dated 30.01.2023 bearing F. No. RCD-12005/1/2021-Regulatory-FSSAI-Part(3)(E-1683) and the order dated 31.01.2023 bearing File No. RCD-11003/5/2022-ERO/3816



issued by the respondent/Food Safety and Standards Authority of India ('FSSAI'), whereby, the petitioner was stopped from manufacturing and marketing its product *i.e.*, "Tata Copper Water".

2. The impugned stoppage orders had clarified that the product, which was then already in the market, shall be allowed to continue till its expiry date.

3. When the present writ petition came up for hearing for the first time on 03.02.2023, an interim order was passed by this Court, *inter alia*, directing as under:-

"9. The impugned order would result in the business activities of the Petitioner which employs a large number of employees being put to a grinding halt. There has been no doubt expressed that the product is unsafe for human consumption. The product has been in the market for some period and therefore, the impugned orders dated 30th January, 2023 and 31st January, 2023 shall remain stayed till the next date of hearing."

4. It is pointed out by the learned senior counsel for the petitioner that although the petitioner continued to sell the product in question for some time pursuant to the aforesaid interim order passed by this Court, the petitioner is no longer interested in manufacturing the product in question or even to dispose of the existing stock of the said product lying with the petitioner.

5. It is also brought out that on 08.02.2023, the petitioner addressed a letter to the respondent/ FSSAI for consideration of a reformulated version of its product *i.e.*, 'Tata Copper +'.

6. Pursuant thereto, the petitioner received an email dated 25.09.2024 from the respondent/FSSAI asking the petitioner to apply for approval of its new product (Tata Copper +) as a "non-specified food and food ingredients"



under the Food Safety and Standards (Approval for Non-Specified Food and Food Ingredients) Regulations, 2017.

7. In compliance therewith, the petitioner filed an application before the respondent/ FSSAI on 08.10.2024. Thereafter, on 09.10.2024, the respondent/ FSSAI sought certain clarifications from the petitioner and finally on 06.12.2024, the respondent/ FSSAI approved the newly formulated version of the petitioner's product *i.e.*, Tata Copper +. Copy of the approval/permission letter has been placed on record along with the reply in CM APPL.62033/2024 on behalf of the respondent/FSSAI.

8. In light of these developments, the petitioner does not seek to press the present petition so far as it assails the impugned stoppage orders passed by the respondent FSSAI.

9. Accordingly, it is sought that the petitioner be allowed to withdraw the present petition without prejudice to its rights and contentions as regards the impugned orders.

10. As already noted, the petitioner undertakes to not to continue the manufacturing of the product in question nor even to sell any unsold stock of the product as may be lying with the petitioner.

11. In view of the aforesaid, the petitioner is allowed to withdraw the present petition in the above terms.

12. The present petition is, accordingly, dismissed as withdrawn.

13. Needless to say, the above shall not preclude the intervenors, who have filed CM APPL.39043/2024 and CM APPL. 39044/2024, to challenge the approval granted by the respondent/FSSAI *qua* the new product 'Tata Copper +' of the petitioner, in accordance with, and as may be permissible under law.



14. Pending application/s also stand disposed of in the above terms.

FEBRUARY 19, 2025/r

SACHIN DATTA, J