

B R Oil Industries Pvt. Ltd vs Union Of India & Anr on 29 September, 2020

Author: Navin Chawla

Bench: Navin Chawla

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 7217/2020
B R OIL INDUSTRIES PVT. LTD. Petitioner
Through Mr.R.K.Sanghi, Mr.Satyendra
Kumar, Mr.Ishan Sanghi, Advs.

versus

UNION OF INDIA & ANR. Respondents
Through Ms.Shiva Lakshmi, CGCS.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
ORDER

% 29.09.2020 This hearing has been held by video conferencing. CM 24382/2020(Exemption) Allowed, subject to all just exceptions. WP(C) 7217/2020 & CM 24381/2020 Issue notice.

As none was appearing for the respondents, Ms.Shiva Lakshmi, Advocate, who is appearing in this Court in connection with some other matter, has been requested to accept notice on behalf of the respondents. The counsel for the petitioner shall supply a copy of the petition to Ms.Shiva Lakshmi, Advocate during the course of the day.

It is the case of the petitioner that while the consultation on the Draft Food Safety and Standards (Prohibition and Restriction on Sales) Amendment Regulations, 2020 is under progress, by the Impugned Direction dated 23.09.2020, the blending of edible vegetable oil with mustard oils as an ingredient has been prohibited.

Relying upon the judgment dated 30.06.2014 of the Bombay High Court in WP No.2746/2013 titled Vital Nutraceuticals Pvt. Ltd. & Anr. v. Union of India & Anr., the learned counsel for the petitioner submits that the provisions of Sections 92 and 93 of the Food Safety and Standards Act, 2006, cannot be circumvented by the respondents in this manner. He further submits that the Impugned Direction being contrary to the Regulations in force, cannot be issued by the respondents.

Keeping in view the submissions made, there shall be a stay on the operation of the Impugned Direction dated 23.09.2020, till the next date of hearing.

Let counter affidavit be filed within a period of three weeks. Rejoinder, if any, be filed within two weeks thereafter.

List on 18th December, 2020.

NAVIN CHAWLA, J SEPTEMBER 29, 2020 RN