

Mrs. S. Deb (Gupta) vs Mr. Debalay Bhattacharjee on 3 January, 2022

Author: Indrajit Mahanty

Bench: Indrajit Mahanty, S.G. Chattopadhyay

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HIGH COURT OF TRIPURA
AGARTALA
WP(C) (PIL) No.04/2021

For Petitioner(s)	: Mrs. S. Deb (Gupta), Advocate, Mr. Bikram Paul, Advocate.
For Respondent(s)	: Mr. Debalay Bhattacharjee, G.A.,

Mr. K. De, Addl. G.A., Mr. Biswanath Majumder, CGC, Mr. P.K. Ghosh, Advocate.

HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY Order 03/01/2022 (Indrajit Mahanty, C.J.) Heard learned counsel for the respective parties. While hearing the matter, we find from the affidavit of the respondent no.3 that there appears to be a body known as "All Tripura Packaged Drinking Water Manufacturer Association" and such association had submitted a letter to the Chief Secretary of the Government of Tripura.

We find from the cause title that although allegations have been made that packaged drinking water is being sold in the State of Tripura not meeting the standards set in the Food Safety and Standards Act, 2006, no producer or manufacturer or seller has been impleaded as respondent. Consequently, we are of the considered view that it is necessary to implead the All Tripura Packaged Drinking Water Manufacturer Association through its Secretary, office located at Tirupati Beverage, N.S. Road, Agartala, Tripura (West) as respondent no.5 and the Public Works Department (Drinking Water & Sanitation), Government of Tripura as respondent no.6.

Notices need be issued to the newly added respondents, returnable within four weeks.

Learned Government Advocate accepts notice on behalf of newly added respondent no.6, i.e. PWD (DWS), Government of Tripura. He is directed to file affidavit indicating as to whether any testing laboratory or controlled mechanism exists for checking and testing water being manufactured and sold as packaged drinking water in the State of Tripura.

We further direct that the petitioner shall put out a notice in the local newspapers both in English as well as in vernacular having wide circulation in the State of Tripura indicating the filing of the present PIL and issue notice to any person who may be likely to be affected by the outcome of the order that may be passed herein to come and participate in the proceeding, if they so desire. Such advertisement be taken out within a period of two weeks from today.

We also direct impleadment of Food Safety and Standards Authority of India (FSSAI), FDA Bhawan, Kotla Road, New Delhi-110002 as respondent no.7.

Notice be issued to the newly added respondent no.7, returnable within four weeks. Extra copy be served on the learned Asstt. S.G. While issuing notice to the said authority, we also call upon them to file their affidavit as to why their order dated 26.03.2021 which is a direction under Section 16(5) of the FSS Act, 2006 regarding the requirement of BIS license and application receipt while applying for FSSAI license to manufacture packaged drinking water and mineral water has not been implemented by other authority including BIS. In view of the fact that an order under Section 16(5) of the FSS Act, 2006 dated 26.03.2021 has been issued, we hereby direct the State to visit the location of all Packaged Drinking Water producers and verify whether the said producers have the necessary license/registration under the FSS Act, 2006 and any such producer or manufacturer who does not possess the said license or registration or does not possess the BIS certification should immediately be stopped and such manufacturers or producers be directed to comply with the FSSAI statute as well as the consequences thereof.

Matter be taken up on 31.01.2022.

(S.G. CHATTOPADHYAY), J (INDRAJIT MAHANTY), CJ Pulak