

M/S Beryl Restaurant And Bakery vs Union Of India And Ors on 13 April, 2023

Author: Javed Iqbal Wani

Bench: Javed Iqbal Wani

S. No. 120
Supp Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) No. 842/2023 CM No. 1989/2023

M/s Beryl Restaurant and Bakery

...Petitioner(s)

Through: Mr Talib Hussain, Advocate.

Vs.

Union of India and Ors.

...Respondent(s)

Through: Mr Mohsin Qadri, Sr. AAG with
Ms Maha Majid, Advocate.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE
ORDER

13.04.2023 In the instant petition petitioner has questioned the notification Nos. 206-DFCS&CAK/Sup of 2020 dated 23.09.2020, 221-DFCS&CAK/Sup of 2021 dated 25.03.2021 and DFCS&CAK/S/Rate/Bakery/2022/2300-2313 dated 27.06.2022, as also S.O. 14(E) dated 15.02.1990.

According to the counsel for the petitioner the impugned S.O. 14(E) dated 15.02.1990 has been issued in exercise of powers conferred by Section 5 of the Essential Commodities Act, 1955, and the impugned notifications in turn have been issued pursuant to the said impugned S.O 14(E) dated 15.02.1990.

According to the counsel the Essential Commodities Act, 1955, and orders issued thereunder insofar as it relates to the food items stands repealed in terms of the Section 97 of the Food Safety and Standard Act, 2006, as such, the impugned S.O 14(E) dated 15.02.1990 as also the impugned notifications issued thereunder have been issued by the respondents without any competence and jurisdiction, in as much as, in breach and violation of the provisions of the Food Safety and Standard Act, 2006.

Heard counsel for the petitioner and perused the record. There appears to be substance in the submissions made by counsel for the petitioner and warrants indulgence of this Court as also a case

for grant of interim relief at this stage.

Notice.

Notice in CM as well.

Notice waived by Mr Mohsin Qadri, Sr. AAG, on behalf of respondents 2 to 4. Notice shall go to respondent 1 returnable within three weeks' upon steps within one week. Objections by or before the next date.

List on 29.05.2023.

In the meanwhile subject to objections and till next the impugned notification Nos. 206-DFCS&CAK/Sup of 2020 dated 23.09.2020, 221- DFCS&CAK/Sup of 2021 dated 25.03.2021 and DFCS&CAK/S/Rate/Bakery/2022/2300-2313 dated 27.06.2022 insofar as it pertains to the petitioner shall remain on hold and be not enforced against the petitioner.

(JAVED IQBAL WANI) JUDGE SRINAGAR 13.04.2023 Ishaq