

Itc Limited An Existing Company Under ... vs The State Of Madhya Pradesh on 27 November, 2024

Author: Milind Ramesh Phadke

Bench: Milind Ramesh Phadke

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IN THE HIGH COURT OF MADHYA PRADESH
AT G WA L I O R

BEFORE
HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE
ON THE 27th OF NOVEMBER, 2024
WRIT PETITION No. 5613 of 2013
(ITC LIMITED
Vs
STATE OF MADHYA PRADESH & ANRS.)

Appearance:

(BY SHRI KISHORE SHRIVASTAVA - SENIOR ADVOCATE WITH SHRI
KUNAL THAKRE -ADVOCATE AND SHRI S.K. SHRIVASTAVA-
ADVOCATE FOR PETITIONER)

(BY SHRI B.M. PATEL - GOVERNMENT ADVOCATE FOR
RESPONDENT/STATE.

ORDER

The instant writ petition under Article 226 of the Constitution of India is directed against the arbitrary and illegal action of the respondents as disclosed in the impugned order dated 18.03.2013 passed in case No.Food/2013/195-96 whereby respondent No.2 had granted sanction to initiate proceedings against the petitioner and other co-accused only on the basis of report of Food Analyst.

2. This Court in connected W.P. No.2665/2013, in similar facts and circumstances, has quashed the report of Food Analyst on account of the sample of food was not analysed by the accredited laboratory under Section 43 of the Food Safety and Standards Act, 2006.

3. Consequently, in the present case also, the report dated 13.07.2012 (Annexure P/3) which is foundation for launching prosecution against the petitioner is hereby quashed. Consequently, the impugned sanction order dated 18.03.2013 (Annexure P/8) is hereby quashed.

4. Accordingly, the petition stands allowed and disposed of.

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