

M/S Sri Venkateshwara General Agencies vs The State Of Telangana on 11 May, 2021

Bench: Vineet Saran, Dinesh Maheshwari

1

ITEM NO.4+29

Court 10 (Video Conferencing)

SECTION XI

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 4879/2021

(Arising out of impugned final judgment and order dated 17-02-2021
in WP No. 2957/2021 passed by the High Court For The State Of
Telangana At Hyderabad)

M/S SRI VENKATESHWARA GENERAL AGENCIES

Petitioner(s)

VERSUS

THE STATE OF TELANGANA & ORS.

Respondent(s)

(IA No. 59359/2021 - STAY APPLICATION)

WITH

SLP(C)

No(s). 5743/2021

(FOR ADMISSION and I.R. and IA No.50889/2021-EXEMPTION FROM FILING
AFFIDAVIT[TO BE TAKEN UP ALONG WITH ITEM NO. 4 I.E. SLP(C) No.
4879/2021])

Date : 11-05-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Gaurav Agrawal, Adv.
Ms. Monalisa Kosaria, Adv.
Mr. B.Shравanth Shanker, AOR

Mr. Jayprakash Somani, Adv.
Ms. Shobha Somani, Adv.
Mr. Rajnish Kumar, Adv.
Ms. Manju Sharma Jetley, Adv.

For Respondent(s)

Signature Not Verified

Digitally signed by
ASHWANI KUMAR
Date: 2021.05.11

19:42:44 IST
Reason:

Mr. Tushar Mehta, Ld. S.G.
Mr. Rajat Nair, Adv.

Mr. Kanu Agrawal, Adv.

Ms. Swati Ghildiyal, Adv.

Mr. Digvijay Dam, Adv.
Mr. M.K. Maroria, AOR

Mr. S. Udaya Kumar Sagar, AOR
Ms. Sweena Nair, Adv.

2

UPON hearing the counsel the Court made the following
O R D E R

The petitioners are aggrieved by the Notification dated 06.01.2021 issued by the State of Telangana under Section 30 of the Food, Safety and Standards Act, 2006 which bans all chewing/chewable tobacco products, claiming that the same is contrary to the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of the Trade and Commerce, Production Supply and Distribution) Act, 2003. Challenging the said Notification, the petitioner(s) had filed Writ Petitions before the High Court of Telangana which, by orders dated 17.02.2021 & 15.03.2021 have been disposed of with the direction that since this Court is already seized of the aforesaid issue, the High Court would not be inclined to entertain the said petitions and the petitioners may approach this Court. It is stated in the said orders that this court has, vide order dated 23.09.2016, passed certain directions because of which, the matter concerning the issue of chewing/chewable tobacco would also be covered.

In our view, the issue before this Court in the aforesaid matter is different from the issue involved in the present petitions. It is contended by the learned counsel for the petitioner(s), and not denied by the learned counsel for the respondents, that earlier also, similar Notifications had been issued which were challenged before the High Court and the writ petitions were entertained and interim orders were passed. It is, thus, contended that the order of the High Court refusing to entertain the writ petition(s) because of the pendency of the transferred case in which order dated 23.09.2016 has been passed is wrong, as the said issue is not involved in the present petition(s).

We have heard Mr. Mukul Rohatgi, learned senior counsel for the petitioners and Ms. Sweena Nair, learned counsel appearing on behalf of the State of Telangana and carefully perused the record.

We are not satisfied that the issue involved in the pending transferred case before this Court is the same as the one involved in the present petitions. It is also not disputed that the earlier writ petitions before the High Court relating to the similar /identical Notifications had been entertained and interim orders passed.

In our view, the High Court ought to have entertained the Writ Petition on merits and passed necessary orders. Accordingly, we quash the orders dated 17.02.2021 and 15.03.2021 passed by the High Court and remit the matters back to the High Court with a request that the matters be taken up, heard and decided at an early date.

The learned counsel for the petitioners is permitted to make a mention for taking up the matters before the Vacation Bench.

Since the life of the Notification, which is under challenge, is only one year, the High Court is requested to decide the matter finally or pass necessary interim order, if found proper, within 10 days of taking up.

With the aforesaid observations the Special Leave Petitions are disposed of.

Pending application(s), if any, stands disposed of accordingly.

(DEEPAK SINGH)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)