

Pepsico India Holdings Pvt.Ltd. vs Union Of India on 8 July, 2021

Bench: Uday Umesh Lalit, Ajay Rastogi, Aniruddha Bose

1

ITEM NO.7

Court 3 (Video Conferencing)

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

I N D I

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

No(s).

(Arising out of impugned final judgment and order dated 28-02-2012 in WPC No. 6791/2008 passed by the High Court Of Delhi At New Delhi)

PEPSICO INDIA HOLDINGS PVT.LTD.

Pet

VERSUS

UNION OF INDIA

Res

Date : 08-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Divyam Agarwal, Adv.
Mr. Angad Baxi, Adv.
Mr. Dheeraj Nair, AOR

For Respondent(s)

Mr. KM Natraj, Ld. ASG
Mr. Zoheb Hossain, Adv.
Mr. Anirudh Bakhru, Adv.
Mr. Adit Khorana, Adv.
Mr. GS Makker, AOR

Mr. Shadan Farasat, AOR

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

This petition challenges the judgment and order dated 28.02.2012 passed by the High Court of Delhi in Writ Petition (C) No.6791 of 2008 in which validity of the Notifications dated 29.09.2000 and 21.03.2001 was in issue.

Reason: While considering the challenge, the High Court took note of the judgement of Andhra Pradesh High Court in the case of Krishna Foods and Acqua Minerals vs. Government of India, Ministry of Health and Family Welfare, Deptt. of Health and Anr. [2004 (2) FAC 334].

Pertinently, Special Leave Petitions (C) Nos.2053-55 of 2005 arising out of the decision of the High Court of Andhra Pradesh were rejected by this Court finding no merit in the matter. Be that as it may, the earlier regime governed by the Prevention of Food Adulteration Act, 1954 (“the Act”, for short) now stands replaced by the Food Safety and Standards Act, 2006, a new legislation in terms of which “packaged drinking water” is covered under the definition of “Food” as defined in Section 3(j).

Mr. Siddharth Aggarwal, learned Senior Advocate appearing in support of the petition submitted inter alia that something which was clearly excepted by the Legislature from the definition of “Food” as appearing in Section 2(5) of the Act, was sought to be included by taking resort to the aforementioned notifications dated 29.09.2000 and 21.03.2001.

As the earlier regime now stands substituted, the validity of these notifications is, therefore, no longer a live issue. Considering the entirety of the facts and circumstances on record, we, therefore, see no reason to entertain this Special Leave Petition, which is accordingly dismissed. Pending applications, if any, shall stand disposed of.

(INDU MARWAH)
COURT MASTER (SH)

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR