

# **M/S Babulal Edible Oils Private Limited vs Union Of India on 27 May, 2022**

**Bench: Manindra Mohan Shrivastava, Sudesh Bansal**

HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

D.B. Civil Writ Petition No.4028/2022

M/s Babulal Edible Oils Private Limited

---Petitioner

Versus

Union Of India & Others

---Respondents

For Petitioner(s) : Mr. Rajendra Prasad, Senior Advocate assisted by Mr. Gunjan Pathak, Advocate, Mr. Rahul Khandelwal, Advocate, Ms. Ishita Rawat & Mr. Aditya Bohra, Advocate HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA HON'BLE MR. JUSTICE SUDESH BANSAL Order 27/05/2022 Heard.

Challenge to insertion of Clause (11) in Sub-Regulations 2.1.1 after Clause (10) of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, vide Food Safety and Standards (Prohibition and Restrictions on Sales) Third Amendment Regulations, 2021 is based on the premise that the prohibition is with the object of promoting sale and consumption of mustard oil in purest form whereas the power to regulate in terms of provisions contained in Section 92 of the Food Safety and Standards Act could be exercised only for the purposes of the Food Safety and Standards Act, 2006 and not for the purposes of promoting sale of any edible oil particularly when the blending as mentioned in the amended Clause (11) is otherwise not prohibited but permissible on the standards, contained under (2 of 2) [CW-4028/2022] Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011, in particular Clause 2.2.1(24).

It is submitted that by introducing such a prohibitory clause which is completely outside the scope and object of the Act and therefore beyond the regulatory power conferred on Food Safety and Standards Authority of India under Section 92 of the Act, an unreasonable restriction on trade and business has been imposed and is not permissible under the law resulting in violation of fundamental rights to carry on any trade and business.

Considering the submissions, which have been made before us and the grounds of challenge, the petition is required to be heard on the prayer for stay on an early date.

List this case on 30.06.2022 for considering and passing the orders on prayer for stay.

Issue notice to the respondents on payment of P.F. within three days.

Notice be made returnable on or before 28.06.2022. The petitioner may also serve "dasti" notice on the respondents on submission of additional P.F. and copies.

In addition, a copy of petition along with documents be supplied in the office of Ld. Additional Solicitor General of India within the same period.

(SUDESH BANSAL),J (MANINDRA MOHAN SHRIVASTAVA),ACTING CJ Karan/27 Powered by TCPDF (www.tcpdf.org)