

# Sheetal Dhariwal vs Union Of India & Ors on 4 March, 2024

**Author: Manmeet Pritam Singh Arora**

**Bench: Manmeet Pritam Singh Arora**

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IN THE HIGH COURT OF DELHI AT NEW  
W.P.(C) 3208/2024 & CM APPL. 13174  
SHEETAL DHARIWAL

UNION OF INDIA & ORS.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA  
ORDER

% 04.03.2024 CM APPL. 13174/2024 (for exemption) Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of. W.P.(C) 3208/2024

1. Present public interest litigation has been filed seeking compliance of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011 which prohibits use of tobacco and nicotine as ingredients in any food product. The Petitioner further prays for This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 05/03/2024 at 21:35:00 prohibition of manufacture, storage, distribution, or sale of tobacco within India.

2. The admitted position is that the Hon'ble Supreme Court of India in Transfer Case (Civil) No. 1/2010 has stated that the statutory authorities are bound to enforce the Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011. However, no empirical data has been placed on record by the Petitioner to show that the product in question uses

tobacco and nicotine as ingredients. The Petitioner has not even impleaded Food Safety and Standards Authority of India (FSSAI) which is the regulator under the Food Safety and Standards Act, 2006.

3. Consequently, the present public interest litigation is dismissed. However, the Petitioner is given liberty to file a fresh petition with the relevant data and after impleading the necessary parties.

ACTING CHIEF JUSTICE MANMEET PRITAM SINGH ARORA, J MARCH 4, 2024/msh This is a digitally signed order.

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