

Suresh Chand Gard And Others vs Anil Gupta And Others on 14 March, 2022

Author: Javed Iqbal Wani

Bench: Javed Iqbal Wani

S. No. 10

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRMC No. 86/2011
IA No. 84/2011 In
CRMC No. 85/2011
IA No. 83/2011

Suresh Chand Gard and others

...Appellant/Petitioner(s)

Through :- Mr. Rahul Pant, Sr. Advocate with
Mr. Dhruv Pant, Advocate.

V/s

Anil Gupta and others

...Respondent(s)

Through :- Mr. Amit Gupta, AAG.

Coram: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

Learned counsel for the petitioners invited the attention of this Court to Section 89 of the Food Safety and Standards Act, 2006 and would contend that the Section provides for overriding effect of this Act over all other food related laws and that the prosecution launched against the petitioners by the respondents has been initiated under the Prevention of Food Adulteration Act, 1954 which in presence of Section 89 of the Food Safety and Standards Act, 2006, is not legally valid.

Mr. Amit Gupta, AAG, appearing counsel for the respondents however, would controvert the contentions of Mr. Pant, learned senior appearing counsel for the petitioners and on contrary would contend that the prosecution launched against the petitioners under the Prevention of Food Adulteration Act, 1954 has been initiated validly and legally in view of Section of 97 of the Food Safety and Standards Act, 2006 which seeks to repeal the enactments and orders specified in second schedule with effect from the date on which the Act came to be enacted and came into force.

In view of the aforesaid position, appearing counsel for the parties seek and are granted an adjournment to address this Court on 18.04.2022.

(JAVED IQBAL WANI) JUDGE Jammu 14.03.2022 Renu