

P K Agri Link Pvt. Ltd vs Union Of India & Anr on 9 June, 2021

Bench: Rekha Palli, Amit Bansal

Via Video Conferencing

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P.(C) 4764/2021
P K AGRILINK PVT. LTD.

Through: Mr. R.K. Sanghi, Sr. Advocate with
Mr. Ishan Sanghi and Mr. Satyendra
Kumar, Advocates.

..... Petitioner

versus

UNION OF INDIA & ANR.
Through:

..... Respondents
Mr. Chetan Sharma, ASG with
Mr. Sanjeev Sabharwal, Sr. Panel
Counsel for UOI.
Mr. Aditya Singhla, Ms. Cheshta
Jetly, Mr. Utsav Vasundeva and Mr.
Achin Sondhi, Advocates for FSSAI.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE AMIT BANSAL
ORDER

% 09.06.2021 C.M. No. 18602/2021 (for early hearing)

1. Vide the present application, the petitioner, who has sought quashing of notification dated 8th March 2021, seeks early hearing of the petition, which is now listed on 19th July, 2021.

2. Learned senior counsel for the petitioners vehemently submits that keeping in view the fact that the impugned notification came into effect from 8th June 2021, the matter was fixed for final disposal on 4th June, 2021 but could not be taken up on the said date as the Division Bench did not assemble. He, therefore, prays that the present petition be taken up for disposal today itself and contends that the impugned notification dated 8th March, 2021 is wholly without jurisdiction as the respondents had, admittedly, not placed before the Parliament, the amendments contained in the said notification - as mandatorily required in terms of Sections 92 and 93 of the Food Safety and Standards Act, 2006 (hereinafter referred to as "FSS Act").

3. On the other hand, the learned ASG, who appears for the respondents submits that the impugned notification has been issued after due consideration in accordance with Section 18(2)(d) of the FSS Act. He further submits a connected writ petition being W.P. (C) No.5584/2021 seeking similar reliefs, is listed on 27th July, 2021 and therefore, prays that the present petition be also listed on the same date.

4. Keeping in view the nature of issues involved in the present petition, it would be appropriate that the petition is listed before the Roster Bench on the date already fixed.
5. The application for early hearing is, accordingly, rejected. W.P.(C) 4764/2021
6. In view of the order passed in W.P.(C) 4483/2021, learned counsel for the petitioner has made an oral prayer for impleadment of Ministry of Agriculture and Farmers' Welfare, Government of India as a respondent. Learned counsel for the respondent does not oppose the said request.
7. Accordingly, at the oral request of the learned counsel for the petitioner as also in the light of the order passed in W.P.(C) 4483/2021, the Ministry of Agriculture and Farmers' Welfare, Government of India is impleaded as Respondent No.3.
8. Let the amended memo of parties be filed within one week.
9. The newly impleaded respondent is granted three weeks' time to file its counter affidavit. Rejoinder thereto, be filed within two weeks thereafter.
10. List the matter on the date already fixed i.e. 19th July, 2021.

(REKHA PALLI) VACATION JUDGE (AMIT BANSAL) VACATION JUDGE JUNE 9, 2021 A