

M/S. Durga Trades, A Proprietorship ... vs The State Of Telangana And 8 Others on 26 February, 2021

Author: Hima Kohli

Bench: Hima Kohli, B.Vijaysen Reddy

Item No.4

THE HON'BLE THE CHIEF JUSTICE HIMA KOHLI
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.3938 of 2021

ORDER:

(Per the Hon'ble the Chief Justice Hima Kohli)

1. The petitioner has filed the present petition challenging a Notification dated 06.01.2021 issued by the respondent/State under Section 30 of the Food Safety and Standards Act, 2006 which bans all chewing/chewable tobacco products, claiming that the same is contrary to the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003.

2. Learned counsel for the respondents/State submits that the issue raised in the present petition is pending consideration before the Supreme Court in Transfer Case (Civil) No.1 of 2010 wherein, all the States including the State of Telangana is represented. It is stated that if the petitioner has a grievance, then it has to approach the Supreme Court for appropriate orders, particularly, in the light of the directions issued by the Supreme Court on 23.09.2016 in the captioned case that the statutory authorities must comply with the Regulations framed under Section 92 read with Section 26 of the Food Safety and Standards Act, 2006, pertaining to ban on the sale of Gutkha, Pan Masala (without tobacco) with flavoured chewing tobacco etc.

3. Having regard to the fact that the Supreme Court is seized of the aforesaid issue, we decline to entertain the present petition. It is for the petitioners to approach the Supreme Court for appropriate orders if they are aggrieved by the Notification dated 06.01.2021.

4. The present petition is disposed of along with the pending applications, if any.

_____ HIMA KOHLI, CJ _____ B. VIJAYSEN REDDY,
J 26.02.2021 Lur