

Subhakari Water Products, vs The State Of Andhra Pradesh on 10 May, 2023

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P.Nos.7389 of 2021 & 34225 of 2022

PROCEEDING SHEET

Sl.

ORDER

No

DATE

10.05.2023

DR, J

Heard the learned counsel for the
petitioner(s) and the learned Government

Pleader appearing for the respondents.

The issue involved in W.P.No.34225 of 2022 is with regard to not taking any action in preventing the manufacture and sale of Packaged Drinking water and Mineral Water without certification from the Bureau of Indian Standards and Food Safety Standards Authority of India.

During hearing, learned counsel for the petitioner(s) has brought to the notice of this Court about the orders passed by this Court in Lochamesh B.Hugar and Ors Vs. Union of India and Ors¹, wherein the High Court has pointed out certain guidelines. The relevant Paragraph Nos.48 to 52 of the said order reads 2013(3) AKR 56 as follows:-

48. The respondent authorities are hereby directed to ensure that all necessary steps are taken to prohibit, prevent the manufacture and sale of packaged drinking water without certification from the Bureau of Indian Standards,

49. The respondent authorities are hereby directed to take action against the manufacturers of packaged drinking water if found to be running the units without certification from the Bureau of Indian Standards.

50. The manufacturers of packaged drinking water shall submit application as prescribed under the Food Safety and Standards Act, 2006 and the Regulations made there under and as provided under the Bureau of Indian Standards Act,1986 for

issuance of certification from the Bureau of Indian Standards for manufacture, sale or exhibition of packaged drinking water within 15 days from today.

51. On such submission of application by the manufacturers the authorities concerned shall process the said applications within three months from the date of submission of such applications and notify the deficiency if any to be complied by such manufacturers by fixing such time as the authority may so decide taking into consideration the exigencies and not beyond four months.

52. The authorities shall dispose of the said applications submitted by the manufacturers accordingly keeping the time limit fixed herein above and if any of the manufacturers fail to comply with the directions or conditions imposed by the authorities to bring their units to the standards prescribed under the Act and Regulations, they will be at liberty to proceed in accordance with law. Ordered accordingly."

Further, the learned counsel for the petitioner(s) has also brought to the notice of this Court about the orders passed by the High Court of Delhi in Bottled Water Processors Association Vs. Union of India(UIO) and Ors, wherein the Court held as follows:-

" The action is sought to be taken against all the relevant units manufacturing and selling packaged drinking water without a license and without a BIS certification mark. In order to ensure the letter and spirit of the law, a task force be constituted by the Secretary, Ministry of Health and Family Welfare comprising a senior representative of the Department of PFA and the BIS, GNCTD both nominated by their respective Director Generals, and a Senior Representative of the Delhi Police within a period of two weeks from today. The task force will co-ordinate amongst the various departments and constitute special crack units which will undertake surprise checks at various locations of manufactures of packaged drinking water and initiate strict action in terms of the provisions contained under the PFA as well as the BIS Act and the Rules made under those Statues."

Considering the above directions issued by various High Courts referred above, there shall be a direction to the 4th respondent in W.P.No.34225 of 2022 to work out the moralities in implementation of Food Safety and Standards Act, 2006, if require consult the stake holders and submit a report before this Court for disposal of these Writ Petitions.

Post immediately after Summer Vacation, 2023.

_____ DR, J TM/RSD