

Dharampal Satyapal Limited vs The State Of Jharkhand Through The Chief on 19 March, 2024

Author: Rajesh Kumar

Bench: Rajesh Kumar

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W.P.C No.3026 of 2021

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No.3026 of 2021

1. Dharampal Satyapal Limited, having its registered office at 98, Okhla Industrial Estate, Phase-III, P.O Okhla Industrial Estate Phase - III, New Delhi-110020, P.S. Okhla Industrial Estate Phase - III, New Delhi, District-New Delhi through its Director, namely Pawan Kumar Goyal, aged about 54 years, S/o Late Shri Ram, R/o. I-1/33, Jai Mata Gali, Phase-1, Budh Vihar, Sultanpuri, C-Block, North West Delhi-110086, P.O. Sultanpuri, P.S. Vijay Vihar.
2. Saroj Tradecom Private Limited, having its office at , J. J. Road, Upper Bazar, P.O G.P.O, P.S. - Kotwali, Town & District Ranchi (Jharkhand), through its Director, namely, Jay Prakash Singhanian, aged about 43 years, son of Shri Bhagwati Prasad Singhanian, P.O G.P.O, P.S. Kotwali, town & District Ranchi (Jharkhand) Petitioners

Versus

1. The State of Jharkhand through the Chief Secretary, Government of Jharkhand, Ranchi.
 2. Principal Secretary -cum- Commissioner, Food Safety, Department of Health & Family Welfare, Government of Jharkhand, Nepal House, Ranchi.
 3. Food Safety and Standards Authority of India, through its Chief Executive Officer, F.D.A Bhawan, Kotla road, Near Bal Bhawan, New Delhi.
- Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioners	: Mr. Indrajit Sinha, Advocate Mrs. Prerna Jhunjhunwala, Advocate
For the State	: A.C to A.G

03/Dated: 19th March, 2024

1. Heard learned counsel for the petitioners and learned counsel for the State.

2. The present writ petition has been filed for the following reliefs :-

(a) For issuance of an appropriate writ, order or direction, including writ of certiorari, for quashing the notification dated 08.05.2020 (Annexure-5 to the writ petition) issued by the respondent no.2 in purported exercise of powers under section 30(2)(a) of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'FSSA'), whereby a complete prohibition on the manufacture, storage, distribution or sale of "Rajnigandha" Pan Masala manufactured by the petitioner no.1 in Jharkhand for one year has been imposed on the ground that during 2019-2020 some sample of the said Pan Masala was allegedly found to contain traces of Magnesium Carbonate ($MgCO_3$);

(b) For issuance of further appropriate writ, order or direction, including writ of certiorari, for quashing the notification dated 28.05.2021 (Annexure-6 to the writ petition) issued by the respondent no.2 in purported exercise of powers under section 30(2)(a) of the said Act, 2006, whereby a fresh prohibition for another one year on the very same ground has been imposed and the petitioners have been subjected to prohibition (punitive action) twice which is nothing short of double jeopardy;

(c) For issuance of an appropriate writ, order or direction on the respondent no.2 to produce the records of the case.

3. It appears that prohibitory order has been issued for the year 2020 and 2021 by the impugned order which was subsequently extended for the year 2022 also and the said extension order has been challenged by filing separate writ petition being W.P.(C) No.3346 of 2022. The said writ petition has been disposed of by the Division Bench of this Court vide judgment/ order dated 28.08.2023. The operating portion of the said judgment is Para - 39, which is quoted, herein, below :-

"28.08.2023

1)

.....

39) In the result, this writ petition is allowed.

The notifications dated 08.05.2020, 28.05.2021 and 03.06.2022, qua the brand of the petitioner, are hereby quashed with retrospective effect from the dates of their issue.

....."

4. Thus, the impugned notifications dated 08.05.2020 and 28.05.2021, which have been impugned in this writ petition, have already been quashed by the Division Bench of this Court.

5. Since the impugned notifications dated 08.05.2020 and 28.05.2021 have already been quashed by the Division Bench of this Court vide order dated 28.08.2023, passed in W.P.(C) No.3346 of 2022 and as such there is no requirement of passing any further order in the present writ petition.

6. It is further relevant to observe that the said notifications have been quashed at the instance of the present writ petitioner.

7. In view of the above facts, the present writ petition stands disposed of in terms of the order dated 28.08.2023, passed in W.P. (C) No.3346 of 2022.

8. Pending interlocutory application, if any, stands disposed of.

(Rajesh Kumar, J.) Chandan/-