

Worldwide Dreamcorp Limited Through Its ... vs Food Safety And Standard Authority Of ... on 20 September, 2023

Author: Vijay Kumar Shukla

Bench: Vijay Kumar Shukla

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

WP No. 23035 of 2023

(WORLDWIDE DREAMCORP LIMITED THROUGH ITS NOMINEE SUBODH BAKORE
STANDARD AUTHORITY OF INDIA AND OTHERS)

Dated : 20-09-2023

Shri Vinayak Balchandani, learned counsel for the Petitioner

Ms. Kirti Patwardhan, learned counsel for the Respondents

On 14.09.2023, counsel for respondents was granted time to seek instructions.

Counsel for the respondents prays for further time to seek instructions in the matter.

Counsel for the petitioner prays for interim relief. The petitioner is a company engaged in the business of manufacturing of food products in the name and style Worldwide Dreamcorp Ltd.. It is also stated that petitioner company has been authorised by the State of Rajasthan to supply Food products in public distribution system. The respondent No.3 conducted an inspection and took samples of pre-packed chilli powder, Dhania powder and turmeric powder and sealed it. It is submitted that without awaiting the report of the samples, the impugned order dated 31.8.2023 was passed by the respondents by which the petitioner has been prohibited from sale of all the products manufactured/packed/re-packed/trade by the Food Business Operator in the premises issued with FSS License number 114239999000144 with immediate effect.

2. Counsel for the petitioner submits that sample was sent as per procedure prescribed under section 42 of the Food Safety and Standards Act, 2006 and as per sub-clause (2) of the said section, the Food Analyst is under obligation to send the analysis report mentioning method of sampling and analysis within 14 days to the Designated officer with a copy to Commissioner of Food Safety. It is contended that period of 14 days has already expired and according to him, the report has not been sent by the Food Safety Officer. Petitioner has also challenged emergency prohibition notice dated 31.8.2023 (Annex.P/5). It is submitted that despite sample being negative, the respondents may pass emergency prohibition notice against the petitioner. It is further submitted that in similar circumstances, the co-ordinate Bench of this court in W.P.no. 22944 of 2023 (MP Agro Nutri Foods Ltd. through its nominee Narendra Vs. Food Safety and Standard Authority of India and others) has issued notices and interim order has been passed.

3. Counsel for the respondents submits that regarding compliance of provisions of subsection (2) of section 42 of the Act, she has no instructions.

4. After hearing learned counsel for the parties and taking into consideration the interim order passed by co-ordinate Bench on 14.9.2023 in W.P.No. 22944/2023, notice is issued which is accepted by Ms. Kirti Patwardhan, Adv. on behalf of respondents.

5. Counsel for the respondents prays for and is granted 4 weeks time to file reply on merit.

6. Considering the aforesaid submission and interim order dated 14.9.2023 passed by co-ordinate Bench in W.P.no. 22944/2023, the operation of the impugned order dated 31.8.2023 shall remain stayed and petitioner shall be allowed to sale the products manufactured/packed/re-packed/trade. It is also directed that no coercive action shall be taken in pursuant to the Annx.P/5 dated 31.8.2023 till next date of hearing. Further liberty is granted to the respondents to apply for vacating of stay in case if in the sample report, the sample is found to be adulterated.

List after four weeks.

C.c. as per rules.

(VIJAY KUMAR SHUKLA) JUDGE MK