

(2013) 02 KAR CK 0152
In the Karnataka High Court
Case No : Writ Petition No. 100598 of 2013

Manjunath

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 19-02-2013

Acts Referred:

Citation : (2014) 1 Crimes 329 : (2014) FAJ 50

Hon'ble Judges : N. Kumar, J

Bench : Single Bench

Final Decision : Allowed

Judgement

N. Kumar, J.—Sri Manavendra Reddy, learned Additional Government Advocate is directed to take notice to respondents 2 to 6. Sri R.S. Sidhapurkar, learned counsel is directed to take notice for respondent No. 1. The petitioner has preferred this writ petition seeking quashing of Annexure "C" to the writ petition and also a writ of mandamus directing the 2nd respondent to consider the application filed by the petitioner on 18.1.2013 vide Annexure "D" to this writ petition.

2. The petitioner has obtained trade licence of the years 2009-10 from the 6th respondent to carry on manufacture of packaged drinking water in the name and style of Mist Minerals, Plot No. 48, Sai Nagar, opposite to RTO office, Sedam Road, Gulbarga. The 4th respondent issued a notice dated 22.12.2012 asking the petitioner to produce the ISI Certificate or an acknowledgment for having applied for the same and if the same is not produced, they will take action under the Prevention of Food Adulteration Act. The case of the petitioner is that he has applied for grant of licence for ISI Certificate on 18.1.2013. The said application is pending consideration. Though the same fact is brought to the notice of the respondents, they have orally notified that they would take steps to close the business. Hence, being aggrieved, the petitioner is before this Court.

3. This Court had an occasion to consider the writ petitions where similar

questions were involved. Following the judgment of the Division Bench of this Court in W.P. No. 17713/2012 and other connected matters dated 09.11.2012, the said writ petitions were also allowed in terms of the said order. The order of the Division Bench reads as under:

1. Writ Petition No. 17713/2012 is allowed in part.
2. W.P. Nos. 17467-17498/2012 and W.P. Nos. 24257-283/2012 are hereby disposed of.
3. 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.
4. 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.
5. The manufacturers of packaged drinking water shall submit application as prescribed under the Food Safety and Standards Act, 2006 and the Regulations made thereunder 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.
6. 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.
7. The authorities shall dispose of the said applications submitted by the manufacturers accordingly keeping the time limit fixed hereinabove 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.
4. Accordingly, this petition is also allowed in like terms. It is made clear that if the applications already filed by the petitioner is not in the prescribed form, petitioner shall file one more set of application in the prescribed form alongwith all requisite documents within a week from today. Thereafter the respondents shall dispose of the said application on or before the end of June 2013. Till such time the respondents shall not interfere with the business of the petitioners. The learned Government Advocate and the Advocate for Central Government are permitted to file memo of appearance within four weeks.