

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).28716/2012  
(From the judgment and order dated 15/09/2012 in WP No.8800/2012 of the  
HIGH COURT OF BOMBAY)

M/S MSS FOOD PROCESSORS

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 32162 of 2012

(With prayer for interim relief and office report)

SLP(C) NO. 32163 of 2012

(With office report)

SLP(C) NO. 4165-4166 of 2013

(With office report)

T.P.(C) NO. 1147-1152 of 2012

(With appln.(s) for stay and office report)

T.P.(C) NO. 1277 of 2012

(With appln.(s) for stay and office report)

T.P.(C) NO. 872 of 2013

(With appln.(s) for stay and office report)

W.P(C) NO. 147 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1223 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1245 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1259 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1281 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1297 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1298 of 2013

(With appln.(s) for stay and office report)

T.P.(C) NO. 1299 of 2013

(With appln.(s) for stay and office report)

W.P.(C) NO. 572 of 2013  
(With office report)

T.P.(C) NO. 1312 of 2013  
(With appln.(s) for stay and office report)

T.P.(C) NO. 1326 of 2013  
(With appln.(s) for stay and office report)

T.P.(C) NO. 1332 of 2013  
(With appln.(s) for stay and office report)

T.P.(C) NO. 1344 of 2013  
(With appln.(s) for stay and office report)

Date: 21/10/2013 These cases were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

SLP(C) 28716/12,  
32162/12, 32163/12, Mr. Nikhil Jain, Adv.

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1259/13, 1281/13, Mr. Amit Kumar, Adv.  
1297/13, 1298/13, Mr. P.S. Sudheer, Adv.  
1299/13, 1312/13, Mr. Rishi Maheshwari, Adv.  
1326/13, 1332/13 Mr. Raj Kumar Kaushik, Adv.  
1344/13

TP(C) 1277/12 & rr Mr. Abhay A. Jena, Adv.  
in TP 1147-52/12 & Ms. Bina Gupta, Adv.  
872/13 Mr. Ranjit Raut, Adv.  
Mr. Anuj Dhir, Adv.

TP(C) 872/13 Ms. Anjana Chandrashekar, Adv.

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in TP(C)1259/13, Dr. A.M.Singhvi, Sr.Adv.(TP 1259,1299/13)  
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For Respondent(s) Ms. Indira Jaising, ASG  
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Mr. Mehmood Pracha, Adv.  
Mr. Sumit Babbar, Adv.

Mr. M. Shoeb Alam, Adv.

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UPON hearing counsel the Court made the following  
O R D E R

It is brought to our notice by Ms. Indira Jaising, learned Additional Solicitor General, appearing for the appearing for the Union of India and Mr. R.S. Suri, learned Senior Counsel appearing for one of the respondents in the connected matter that similar matters are pending before a Bench presided over by Hon'ble Mr. Justice G.S. Singhvi, which is seriously disputed by learned counsel appearing for the petitioners, in the Special Leave Petitions, on the ground that the only issue involved in those matters relates to Plastic Waste Management Rules whereas the issue involved here is regarding the conflict between the two parliamentary statutes, namely, Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Production, Supply and Distribution) Act, 2003 ("COTPA") and Food Safety and Standards Act, 2006 ("FSSA").

Ms. Indira Jaising has reiterated that the issue involved

is implementation of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restriction on Sales) Regulations, 2011.

In view of the sharply divergent views expressed by the learned counsel appearing for the parties, we deem it appropriate that the papers be placed before the Hon'ble the Chief Justice of India for appropriate orders.

| (VINOD LAKHINA)

| COURT MASTER

| | (INDU BALA KAPUR)

| | COURT MASTER

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