

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

WRIT PETITION (CIVIL) NO(s). 159 OF 2012

SWAMI ACHYUTANAND TIRTH & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions and office report)

WITH CRIMINAL APPEAL NOS. 476-478/2012

(with appln. for stay)

CRIMINAL APPEAL NO. 472/2012

(with appln. for stay)

CRIMINAL APPEAL NO. 479/2012

(with appln. for stay)

SLP (CRL.) NO. 1379/2011

(with appln. for stay of arrest and office report)

Date: 13/03/2014 These Petitions and Appeals were called on for  
hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. J.C. Gupta, Sr. Adv.

Mr. Anurag Tomar, Adv.

Mr. Dharm Singh, Adv.

Mr. Ayush Negi, Adv.

for Mr. Rameshwar Prasad Goyal, Adv.

Mr. Irshad Ahmad, AAG

Mr. Abisth Kumar, Adv.

Ms. Archana Singh, Adv.

Mr. Rauf Rahim, Adv.

Mr. Ashwin Vaish, Adv.

Mr. Vinod Kumar Pandey, Adv.

Mr. Sanjeev Manchanda, Adv.

Mr. Ambhoj Kumar Sinha, Adv.

For Respondent(s)

Mr. D.K. Garg, Adv.

Mr. K.V. Jagdishvaran, Adv.

Ms. G. Indira, Adv.

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Mr. Manjit Singh, AAG

Mr. Tarjit Singh, Adv.

for Mr. Kamal Mohan Gupta, Adv.

Mr. Mishra Saurabh, Adv.

Ms. Vanshaja Shukla, Adv.

Mr. Krishna Sarma, AAG

Mr. Navnit Kumar, Adv.

for M/s. Corporate Law Group

Mr. Ajay Bansal, AAG

for Mr. Kuldip Singh, Adv.  
Mr. Gaurav Yadav, Adv.

Ms. Binu Tamta, Adv.  
Ms. Seema Rao, Adv.  
Mr. Anirudh Tanwar, Adv.  
Ms. Ragini Singh, Adv.

Mr. Shankar Chillarge, Adv.  
for Mr. A.P. Mayee, Adv.

Mr. Siddharth Bhatnagar, Adv.  
Mr. Pawan Kr. Bansal, Adv.  
for Mr. T. Mahipal, Adv.

Ms. Pragati Neekhara, Adv.

Mr. Mohan Jain, ASG  
Mr. D.K. Thakur, Adv.  
Mr. Prabhat Kumar, Adv.  
Mr. R.K. Mohanty, Adv.  
for Mr. D.S. Mahra, Adv.

Ms. Hemantika Wahi, Adv.  
Mr. Anthony, Adv.

Mr. M.R. Shamshad, Adv.  
Mr. Vivek Vishnoi, Adv.  
Mr. Ahmad S. Azhar, Adv.

Mr. Siddharth Singla, Adv.  
Ms. Swikriti Singhania, Adv.

Mr. Shiv Mangal Sharma, AAG  
Ms. Abhinandini Sharma, Adv.  
Mr. Shrey Kapoor, Adv.  
Ms. Anjali Chauhan, Adv.

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: 3 :

Mr. Abhinav Kumar Malik, Adv.  
for Mr. Ravi P. Mehrotra, Adv.

Mr. Maninder Singh, Sr. Adv.  
Mr. Dheeraj Nair, Adv.

Mr. Irshad Ahmad, AAG  
for Mr. Samir Ali Khan, Adv.

Mr. Saruash Singh Chauhan, Adv.  
Mr. L.S. Chauhan, Adv.  
for Mr. Anil Shrivastava, Adv.

Mr. Mehmood Pracha, Adv.  
Mr. Sumit Babbar, Adv.  
Mr. Shadan, Adv. (NP)

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

Heard counsel for the parties.

By order dated March 10, 2014, this court directed the Joint Commissioner (Food), Food and Drug Administration, State of Maharashtra, to file an affidavit explaining the inconsistency noticed in the affidavits filed by the State and that of the Assistant Director (Legal), Food Safety and Standards Authority of India, FDA Bhawan, Kotla Road, New Delhi. In the earlier

affidavit, it was pointed out that during the period 01.04.2012 to 31.03.2012, twelve samples were tested in the State and presence of urea, starch/ bottling paper, glucose/sugar, caustic soda, etc. was found in the milk.

Pursuant to the said order, the Joint Commissioner (Food) has filed an affidavit dated March 10, 2014. He has tendered an unconditional apology and submitted that due to an inadvertent error, in not striking out urea, detergent from the astrick, while submitting the proforma chart to the Food Safety Authority of India, the mistake has crept in in the affidavit.

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We cannot appreciate the stand taken by the Officer.

Of late, we have seen that so many affidavits are being filed before this Court without proper verification of the records and when found out, they always pass on the buck on the inferior officer, which practice has to be strongly condemned.

All the same, considering the facts and circumstances of the case, we are inclined to accept the unconditional apology accepted by the Officer.

In respect of the State of Uttarakhand, Mr. D.K. Garg, learned counsel appearing for the State, submits that they had conducted an inspection during the period 01.01.2012 to 20.02.2014, out of which 287 samples of milk were taken and sent to the State Laboratories as well as the Central Laboratory and the presence of detergent, urea, etc. could not be found.

An affidavit has been filed by the State of Gujarat wherein it was stated that samples were collected during the period 01.04.2012 to 31.03.2013 and on various other dates, ultimately, on inspection, four cases could be detected where synthetic materials have been found to be added to the milk, for which the State has booked various cases and they are pending before the Courts.

Ms. Binu Tamta, learned counsel appearing for the Union of India, produced a letter dated March 12, 2014 of the Ministry of Health and Family Welfare, wherein it has been stated that under the Chairmanship of the Chairman of FSSAI, it has been decided to seek approval of the Government for initiating the process of amendment of the Food Safety and Standards Act, in light of the observations made by this Court.

Needless to say, speedy steps have to be taken by the Central Government in this respect.

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Put up on a non-miscellaneous day after the ensuing summer vacation.

In the meantime, the petitioners can make their own inquiries and if any adulteration of milk is detected, the same can be brought to the notice of this Court.

| (N.S.K. Kamesh)

| | (Renuka Sadana)

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| Court Master

| | Court Master

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