

ITEM NO.61

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 14539/2015

NESTLE INDIA LTD

Appellant(s)

VERSUS

UNION OF INDIA

Respondent(s)

(with appln. (s) for interim stay and permission to bring additional facts and documents on record and office report)

Date : 16/12/2015 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s) Mr. H.N. Salve, Sr. Adv.
Mr. L.N. Rao, Sr. Adv.
Ms. Pallavi S. Shroff, Adv.
Ms. Samarika Singh, Adv.
Mr. S.S. Shroff, AOR
Ms. Saanjh N. Purohit, Adv.
Mr. Rajesh Batra, Adv.
Ms. Sonia Kukreja, Adv.
Mr. Saifur R. Faridi, Adv.
Mr. Rohit Chandra, Adv.

For Respondent(s) Mr. Mukul Rohtagi, AG
Ms. Vibha Dutta Makhija, Sr. Adv.
Mr. Abhinav Mukeri, Adv.
Mrs. Anil Katiyar, Adv.

Intervenor Mr. S.K. Sudhi, Adv.
Mr. N.K. Neeraj, Adv.

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

Issue notice.

As Mr. Mukul Rohtagi, learned Attorney General for India has entered appearance along with Ms. Anil Katiyar, learned counsel on behalf of the Union of India, they waive notice.

Heard Mr. Harish Salve and Mr. Nageshwar Rao, learned senior counsel for the appellant and Mr. Mukul Rohtagi, learned Attorney General for the respondent.

The present appeal is directed against the orders dated 9th and 10th December, 2015 passed by the National Consumer Disputes Redressal Commission, New Delhi. Grievance, as agoniously pyramided by Mr. Salve, learned senior counsel, is that once the Commission has directed to send the product for testing to the laboratory at Mysore vide order dated 15.10.2015, there was no necessity or warrant to issue a further direction as per orders dated 9th and 10th December, 2015 for sending the samples to Chennai. It is urged by him that the laboratory at Chennai is not fully equipped to carry out all the tests required for the product, namely 'Maggi Noodles'.

Mr. Mukul Rohtagi, learned Attorney General, resisting the aforesaid submissions, would contend that on consent being given by the appellant, the product has to be sent to Chennai in place of Mumbai.

In course of hearing, learned counsel for the parties, very fairly, agreed that the primary concern is health and the test has to meet the parameters of Food Safety and Standards Act, 2006. In course of the debate, a consensus was arrived at that the laboratory at Mysore is absolutely well equipped and of being a referral and notified laboratory, the product should be sent there for testing. Be it noted that this statement has been made by Mr. Salve, learned senior counsel appearing for the petitioner.

Be that it may. Regard being had to the aforesaid concession, it is directed that the samples earlier collected by the Local Commissioner appointed by the National Consumer Disputes Redressal Commission, New Delhi, shall be sent to the Mysore laboratory for testing. The test reports shall be produced before this Court.

During the pendency of this appeal, the National Consumer Disputes Redressal Commission, New Delhi shall not proceed with the cases pending before it.

Let this appeal be listed along with SLP (C) No.33251 of 2015 on 13.01.2016.

(Gulshan Kumar Arora)
Court Master

(H.S. Parasher)
Court Master