

ITEM NO.53

COURT NO.7

SECTION IX

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

I.A. NO.3/2016 IN

Petition(s) for Special Leave to Appeal (C) No(s). 3249/2016

(Arising out of impugned final judgment and order dated 28/10/2015 in WP No. 3044/2015 passed by the High Court Of Bombay)

INDIAN RAILWAYS CATERER'S ASSOCIATION &amp; ANR.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln. (s) for exemption from filing c/copy as well as plain copy of the impugned order, exemption from filing O.T., stay and office report)

Date : 13/05/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. Raju Ramachandran, Sr. Adv.  
Mr. Parthiv Goswami, Adv.  
Mr. Kaustav Talukdar, Adv.  
Ms. Diksha Rai, Adv.  
Ms. Mythili Vijay Kumar Thallam, Adv.  
Mr. Vikram Aditya Narayan, Adv.

For Respondent(s) Mr. Ranjit Kumar, Solicitor General  
Mr. Zoheb Hossain, Adv.  
Mr. Abhinav Mukherjee, Adv.  
Mr. Shreekant N. Terdal, Adv.

Mr. Nikhil Majithia, Adv.

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

Application for exemption from filing  
official translation is allowed.

We have heard Shri Raju Ramachandran,  
learned senior counsel for the

applicant-petitioners and Shri Ranjit Kumar, learned Solicitor General.

We have taken into account the reports of analysis of the packaged/bottled water with the brand name 'Rail Neer' filed along with this application, which would go to show that the analysis of the samples were found to be sub-standard and not in conformity with the required parameters. The details of such analysis are mentioned in the said reports.

We have also considered the reply filed on behalf of the Indian Railway Catering & Tourism Corporation Limited (I.R.C.T.C.) and the counter reports filed along with it which indicates a contrary position.

We have also taken note of the submissions advanced by the learned Solicitor General that insofar as one sample is concerned, the same was analyzed after the date of expiry of the product, which fact is, however, disputed by the applicants-petitioners.

Taking into account the totality of the said facts, we direct that the operation of the circulars bearing No.BB C.159 CO Catg. Policy PDW

dated 13<sup>th</sup> October, 2015 and 17<sup>th</sup> October, 2015 will not come in the way of the catering/vending licensees in Mumbai Division to stock up and deal with other brands of packaged/bottled water, in addition to '*Rail Neer*', such of which are approved by the zonal railways.

This order will remain in effect until the next date fixed, i.e. 5<sup>th</sup> July, 2016.

Counter affidavit(s) by the respondents in the special leave petition be filed on or before the next date.

List the matter on 5<sup>th</sup> July, 2016.

(Neetu Khajuria)  
Sr.P.A.

(Asha Soni)  
Court Master