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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9934/2021

SONIA RANI DUA

..... Petitioner

Through Mr.Shadab Husain Khan, Adv.

versus

FOOD SAFETY STANDARD AUTHORITY OF INDIA ORS &
ORS. Respondents

Through Mr.Shashank Bajpai, Ms.Shakun
Sudha Shukla & Mr.Jatin, GP for R-2.
Mr.Rakesh Chaudhary & Mr.Sushaar Chaudhary,
Advs. for FSSAI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **09.09.2021**

CM APPL. 30632/2021 & CM APPL. 30633/2021

1. Exemptions allowed, subject to all just exceptions.
2. The applications are disposed of.

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3. The present petition has been filed seeking the following prayer:

- a. *“Direct the respondents (Amul and FSSAI) to give compensation of at least Rs. 20 lakhs to the petitioner;*
- b. *Direct the respondents to take legal action against the Amul.”*

4. It is the petitioner's case that she had purchased a tetra pack of 'Amul Chhach' from Jio Mart on 26.10.2020 which was delivered to her on 27.10.2020. However, when on 14.11.2020 she consumed a portion of

the drink from the said pack, she became severely ill as according to her the said pack contained a rotten piece of chicken. Consequently, the petitioner has not only been suffering from vomiting and diarrhoea from the said date on a daily basis, but has also been facing severe psychological distress ever since and has been obtaining medical treatment for the same.

5. Learned counsel for the petitioner submits that the petitioner immediately sent a complaint to respondent nos.3, 4 & 5 but, except for the representative of respondent no.4 who visited the petitioner's residence to take a sample of the product in question, no action was taken by any of the other respondents. Even the results of the lab test conducted by respondent no.4 have not been informed to petitioner till date.
6. He submits that as the respondent no.3, which is responsible for monitoring safety standards of domestically produced goods, failed to respond to the said complaint, the petitioner was compelled to send a reminder to respondent no.3 on 04.08.2021, which has also remained unanswered.
7. In my considered view, the relief sought for in the present petition would be in the nature of a consumer dispute and, therefore, the petitioner ought to approach the appropriate authorities under the Consumer Protection Act, 1986. Even otherwise, nothing has been placed on record to show that the product consumed by the petitioner was in fact defective, as claimed by her. This disputed question of fact can, therefore, not be decided in a writ petition, but has to be adjudicated by the respondent no.3.

8. The present petition is, therefore, dismissed with a direction to the respondent no.3 to respond to the petitioner's complaint dated 04.08.2021 within four weeks from today. The said response be communicated to the petitioner. It is, however, made clear that the dismissal of the present petition will not bar the petitioner from approaching the Consumer Court, in case, she so desires.

REKHA PALLI, J

SEPTEMBER 9, 2021/kk