

PETITIONER:
THE CONSUMER ACTION GROUP

Vs.

RESPONDENT:
CADBURY'S (INDIA) LTD. & ANR.

DATE OF JUDGMENT: 06/08/1999

BENCH:
G.B.Pattanaik, M.B.Shah

JUDGMENT:

D E R

In this appeal arising out of Judgment of Kerala High Court, Section 20 of the Prevention of Food Adulteration Act, 1954 is required to be interpreted. The question for consideration is whether a purchaser or a recognised consumer association, who derive their right of getting the food analysed under Section 12 of the Act can prosecute the vendor from whom the adulterated food has been purchased without producing a copy of the report of Public Analyst along with the complaint, as required under the proviso to sub-section (1) of Section 20 by merely obtaining a written consent of the prescribed authority under sub-section (1) of Section 20. Since there is no unanimity on the aforesaid question, the appeal is referred to a three Judge Bench for its consideration and decision. The records of the appeal may be placed before Hon'ble the Chief Justice for appropriate directions.