

ITEM NO.15

COURT NO.4

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

Petition(s) for Special Leave to Appeal (Civil)...../2012  
(CC 22186-22187/2012)  
From the judgement and order dated 19/12/2005 and 27/03/2006 in  
WP No.6151/2005 of The HIGH COURT OF BOMBAY)

HEALTH FOR MILLIONS

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln(s) for permission to file SLP and office report)

Date: 03/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Prashant Bhushan, Adv.  
Mr. Pranav Sachdeva, Adv.

For Respondent(s)

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

We have perused the averments contained in the application filed by the petitioner for permission to file the special leave petition. In our view, the petitioner has succeeded in making out a case for grant of permission to file petition for challenging the interlocutory orders passed by the Bombay High Court in Writ Petition No.6151 of 2005. Ordered accordingly.

It is borne out from the record that respondent Nos.2 to 5 have filed writ petitions before the Bombay High Court and questioned the validity of the Rules framed under the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and

Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short, 'the 2003 Act').

On 19.12.2005, the High Court took cognizance of the fact that no one had appeared on behalf of the Union of India despite service of notice and granted interim relief in terms of clause (d) of the prayer clause of the writ petition. On the next date, i.e. 27.03.2006, the High Court noted that service of notice is not complete in some of the connected matters, but directed that the interim order granted earlier shall continue till the disposal of the writ petitions.

In view of the interim orders passed by the High Court, the Central Government has not been able to implement the rules which were framed for implementing the law enacted in larger public interest.

What is most surprising is that even though an application was filed on behalf of the Union of India on 13.10.2006 for vacating the interim order, the same has not been listed for consideration for six years. This is evident from reply dated 24.09.2012 given by the Ministry of Health and Family Welfare, Government of India in response to the application filed by the petitioner under the Right to Information Act, 2005.

Since the issue raised by the petitioner is of substantial public importance, we deem it proper to entertain the special leave petition.

Issue notice on the application for condonation of delay as also on the special leave petition, returnable in four weeks.

Dasti, in addition, is permitted.

Issue notice on the petitioner's prayer for interim relief also.

In the meanwhile, operation of orders dated 19.12.2005 and 27.03.2006 passed by the Bombay High Court shall remain stayed.

It shall be the petitioner's duty to serve the respondents before the next date of hearing failing which the interim order passed today shall stand automatically vacated.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master