

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

PRESENT: MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE MANZOOR AHMAD MALIK

CIVIL PETITION NO.2374-L/2016 AND C.M.A.NO.2702-L/2016

Watan Party through Central Executive Member, Dr. Muhammad
Yaqoob Bhatti etc. ...Petitioner(s)

VERSUS

Government of Punjab through Chief Secretary, Lahore etc.
...Respondent(s)

For the
petitioner/applicant(s):

Barrister Zafarullah Khan, ASC
(in C.P. No.2374-L/2016)
Mr. Ghulam Mustafa Kandwal, ASC
(applicant in CMA No.2702-L/2016)

For the respondents:

Barrister Qasim Ali Chohan, A.A.G. Punjab
Asif Bilal Lodhi, Secretary Food
Noor-ul-Amin Mengal, D.G. PFA
Saqib Munir, D.D. Licensing PFA
Syeda Malika, Addl. Secretary, Food
Rafia Haider, Director Operations PFA

For UVAS

Prof. Dr. Masood Rabbani

For UAF:

Prof. Dr. Tahir Zahoor
Prof. Dr. Nuzhat Huma
Dr. Ashraf
Dr. Rizwan

For PCSIR:

Dr. Qurat-ul-Ain, CSO

On Court's call:

Mr. Haider Rasul Mirza,
Advocate/Commission
Mr. Fahad Malik,
Advocate/Commission

Date of hearing:

03.12.2016

* * * * *

ATTESTED


Court Associate

Supreme Court of Pakistan

ORDER


MILK:

Al-Fazal Foods:

Pursuant to the orders dated 15.9.2016 and 16.9.2016 passed by this Court, Mr. Haider Rasul Mirza, Advocate has submitted a report pertaining to Al-Fazal Foods on account of unhygienic conditions etc. Therefore, notice be issued to Al-Fazal Foods to explain their position regarding the deficiencies highlighted in the said report and copy whereof along with the photographs be sent to them. We have also been apprised that the manufacturing premises of Al-Fazal Foods were sealed *vide* order dated 29.9.2016 passed by the Punjab Food Authority (PFA). However, Noor-ul-Amin Mengal, Director General, PFA states that at present he is not sure whether the said premises are still sealed or not. He requests for time to verify this fact. Let a concise statement in this regard be filed by Director General, PFA within a period of one week.

Doce Foods:

Pursuant to the orders dated 15.9.2016 and 16.9.2016 passed by this Court, Mr. Haider Rasul Mirza, Advocate has submitted a report pertaining to Doce Foods on account of unhygienic conditions etc. Therefore, notice be issued to Doce Foods to explain their position regarding the deficiencies highlighted in the said report and copy whereof along with the photographs be sent to them. Copy of the said report may also be sent to the Director General, PFA who shall also file a concise statement in this regard within one week.

APPROVED

COURT OFFICER
Supreme Court of Pakistan

Gourmet Foods:

Pursuant to the orders dated 15.9.2016 and 16.9.2016 passed by this Court, Mr. Haider Rasul Mirza, Advocate has submitted a report pertaining to Gourmet Foods Private Limited. Therefore, notice be issued to Gourmet Foods Private Limited to explain their position regarding the deficiencies highlighted in the said report and copy whereof along with the photographs be sent to them. The Director General, PFA shall also file a concise statement in this regard within one week.

Reports submitted by Pakistan Council of Scientific and Industrial Research (PCSIR):

Pursuant to the orders dated 15.9.2016 and 16.9.2016, PCSIR has filed two sets of sealed reports about the analysis, which have been opened in the Court. However, the standards/guidelines have also been provided by the PCSIR on the basis of which analysis have been made. One report pertains to UHT standardized milk samples which are six in numbers. Except Haleeb Milk, all samples of UHT milk tested by the said laboratory were found fit for human consumption. Let a notice be issued to Haleeb Foods Limited to respond to the report submitted by the PCSIR.

Ten reports have also been submitted with regard to pasteurized milk. Except PREMA milk, all other samples are found to be unfit for human consumption. Let a notice be issued to M/s Doce Foods Limited (*Doce Milk*), Gourmet Foods Limited (*Gourmet Milk*), Fauji Foods Limited (*Nurpur Milk*), Achara Foods Private Limited (*Achara Milk*), Sharif Dairies Private Limited (*Anhaar Milk and Daily Dairy Milk*), Adams Foods Private Limited (*Adams Milk*), Cakes and Bakes (*Nutrivo Milk*) and Al-Fajar Dairy and Foods Private Limited (*Al-Fajar Milk*) to explain their position.

ACCEPTED
[Signature]
[Stamp]

Report submitted by University of Veterinary and Animal Sciences (UVAS)

Pursuant to the orders dated 15.9.2016 and 16.9.2016, UVAS has filed a sealed report, which has been opened in the Court. As per the said report, the sugarcane quantity is present in UHT Haleeb Milk. As regards pasteurized milk, sugarcane quality is found in Achara Milk, Adams Milk and Anhaar Milk.

Furthermore, as per report, heavy metal components have been found in UHT standardized milk samples of Day Fresh, Good Milk, Haleeb milk, Milk Pak and Nurpur.

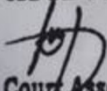
Regarding Pasteurized milk, as per report, there are heavy metal components found in pasteurized milk of Daily Dairy, Doce, Gourmet and Noorpur and this too is injurious to health.

Let a notice be issued to Achara Foods Private Limited (*Achara Milk*), Adams Milk and Foods Private Limited (*Adam's Milk*), Dairyland Private Limited (*Day Fresh Milk*), Doce Foods (*Doce Milk*), Shakarganj Foods Products Limited (*Good Milk*), Haleeb Foods Limited (*Haleeb Milk*), Nestle Pakistan Private Limited (*Nestle Milk*), Fauji Foods (*Nurpur Milk*), Sharif Dairies (*Anhaar Milk and Daily Dairy Milk*) and Gourmet Foods Private Limited (*Gourmet Milk*) to respond to the report submitted by UVAS.

Report submitted by University of Agriculture Faisalabad (UAF):

UAF has submitted its report. Out of seven UHT samples, all were found fit for human consumption. As regards pasteurized milk of ten companies, as per report, Formalin and added sugar have been found in Adams and Achara milk. Let a notice be issued to M/s Adams Milk and Foods Private Limited (*Adam's Milk*) and M/s Achara Foods Private Limited (*Achara Milk*) to respond to the report submitted by UAF.

ATTESTED


Court Associate

Supreme Court of Pakistan

Copy of all these reports be handed over to Advocate General, Punjab, Barrister Zafar Ullah Khan, ASC, Director General, PFA and Mr. Haider Rasul Mirza.

Re-list on 27.12.2016, subject to availability of Bench at Lahore.

WATER:

Pursuant to the order dated 15.9.2016, a report has been filed by Mr. Fahad Malik, Advocate perusal whereof reveals that none of companies identified in aforesaid order meet the licensing criteria laid down under the law/rules and certain deficiencies have also been pointed out along with photographs.

Let a notice be issued to M/s Jami Water Services (*Jami*), Asana Mineral Water (*Assana*), Royal Mineral Water (*Royal*), Bahria Water (*Bahria*), Abbeyar Water (*Abbeyar*), Oasis Water Plant (*Oasis*), Pharmagen Water (*Pharmagen*), Wajyan Pure Drinking Water (*Wajyan*), Cool Valley Water (*Cool Valley*) and Fatima Ultra Filtration plant (*Fatima Water Plant*) to respond to the report submitted by Mr. Fahad Malik.

We also direct the Director General, PFA to have the premises of all other water manufacturing/processing companies checked/inspected as has been done by Mr. Fahad Malik, Advocate. Director General, PFA shall submit a detailed report on the same lines as that of the report of Mr. Fahad Malik. The report in this regard be submitted within a period of one month. It has also been pointed out by Mr. Fahad Malik that at the time of inspecting the premises mentioned in the report, certain samples were collected and handed over to the authorized officer of PFA, but no report to this effect has so

ATTESTED



Court Associate

Supreme Court of Pakistan

far been received. Copy of the said report be handed over to Advocate General, Punjab, Barrister Zafar Ullah Khan, ASC and Director General, PFA.



Bench-
Lahore, the
8th December, 2016
Not Approved by Reporting
Officer Ghulam Reza/*

Sd/- Mian Saqib Nisar, J
Sd/- Manzoor Ahmad Malik, J
CERTIFIED TO BE A TRUE COPY
Court Associate 9-12-16
Supreme Court of Pakistan