



2026:AHC:170877

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 28179 of 2026

M/S New Rajshree Sweet (P) Ltd.

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Devesh Tripathi, Sandeep Pandey, Sr. Advocate
Counsel for Respondent(s)	: C.S.C.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Sunil Kumar Tripathi, learned Senior Advocate assisted by Sri Devesh Tripathi and Sri Sandeep Pandey, Advocates for petitioner and Sri Prabhakar Tripathi, learned Standing Counsel for State-Respondents.

2. I find merit in the argument of learned Senior Advocate for petitioner that a notice dated 02.06.2026 issued by Assistant Director of Factories, Varanasi Region, Varanasi under the provisions of Factories Act, 1948 would not survive legally since said Act has already been repealed by virtue of enactment of Occupational Safety, Health and Working Conditions Code, 2020 which came into force by notification dated 21.11.2025 and its Section 143 provides that Factories Act, 1948 and other Acts also shall stand repealed from the date of notification, i.e., w.e.f. 21.11.2025. therefore, an Act which has already been repealed cannot be a basis to initiate any inquiry against petitioner under said Act.

3. A counter affidavit filed by learned Standing Counsel is taken on record, however, the Court finds that State has no reply to aforesaid position of law.

4. Accordingly, impugned notice dated 02.06.2026 as well as any

subsequent order based on said notice, are set aside. However, this order will not come in way if any proceeding is initiated either under Occupational Safety, Health and Working Conditions Code, 2020 or any other Act applicable in facts and circumstances of case.

5. The writ petition is accordingly disposed of.

(Saurabh Shyam Shamshery,J.)

August 13, 2026
AK