

# **M/S Salman Meat Supplier vs State Of U.P. And 4 Others on 16 December, 2022**

**Author: Siddhartha Varma**

**Bench: Siddhartha Varma, Ajit Singh**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Judgment reserved on 01.12.2022

Judgment delivered on 16.12.2022

Court No. - 40

Case :- WRIT - C No. - 30732 of 2022

Petitioner :- M/S Salman Meat Supplier

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shamsuddin Ahmad

Counsel for Respondent :- C.S.C.

Hon'ble Siddhartha Varma,J.

Hon'ble Ajit Singh,J.

1. Heard learned counsel for the petitioners; the learned Standing Counsel for the respondents; and perused the record.

2. By this petition, the petitioner, who hold a Buffalo Meat Shop license, issued under the Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011 (for short 2011 Regulations) framed under the provisions of Food Safety and Standards Act, 2006 (for short

2006 Act), has challenged the order of suspension of license dated 12.09.2022 and 23.09.2022 uploaded on the website concerned.

3. According to the petitioner he was granted the license after obtaining a No Objection Certificate from the concerned Municipal Board and he only procured buffalo meat from slaughter houses for retail sale and he never carried out slaughter at his retail shop and he submits that his license had been suspended without giving any opportunity of hearing to him.

4. As the suspension status loaded in the website provided no reason with regard to the suspension, the petitioner has filed this petition for the quashing the order of suspension, inter alia, on the grounds that the 2011 Regulations, vide Clause 2.1.8, provides for a specific procedure for suspension or cancellation of Registration Certificate or license. According to which, the Registering or Licensing Authority, after giving the concerned Food Business Operator a reasonable opportunity of being heard, can suspend any registration or license in respect of all or any of the activities for which the registration/license has been granted under the Regulations after recording a brief statement of reasons for such suspension, if there is reason to believe that the Food Business Operator has failed to comply with the conditions within the period mentioned in any Improvement Notice served under Section 32 of the 2006 Act. It is the case of the petitioner that the procedure prescribed by Clause 2.1.8 was not followed as neither opportunity of hearing nor any Improvement Notice was given/ served on the petitioner.

5. In support of the above submission, the learned counsel for the petitioner invited our attention to paragraph 12 of the writ petition wherein it is stated as follows:-

"12. That before or after suspending the license of petitioner neither any notice nor any improvement notice or show cause notice has been issued or served upon the petitioner nor any opportunity of being heard given to the petitioner which is against the principle of natural justice and also the violation of the statutory provision provided under the Food Safety and Standard Act, 2006 and under Food Safety and Standards (Licensing and Registration of Food Business) Regulations, 2011."

6. On 21.11.2022, we had required the learned Standing Counsel to seek written instructions from the respondents disclosing reasons for suspension of the meat shop license.

7. Learned Standing Counsel has obtained written instructions from the Registering Authority. The written instructions provided to the learned Standing Counsel have been passed on to us. The written instructions carry para-wise reply of the writ petition as well. In the instructions it is stated that a report was received from Superintendent of Police, Bijnor informing the registering authority that the licensee was not having Freezers therefore there is possibility of outbreak of diseases. In paragraph 8 of the instructions, the averments made in paragraph 12 of the writ petition, extracted above, have been replied as follows:-

"8-?? ?? ?????? ?? ??????? 12 ?????? ??? ????? ?????? ??? ?? ?????? ????? ?? ?????? ?????? ????? ?? ??? ?????? ?????? ?? ?? ?????? ?? ??? ?????? ??????"

9. As clause 2.1.8 of the 2011 Regulations prescribe for a specific procedure to be followed before suspension of Food License/Registration, that is of giving opportunity of hearing to the licensee before passing the order of suspension, and the impugned orders of suspension has been passed without giving opportunity of hearing to the petitioner, as stated in paragraph 12 of the writ petition, which has not been specifically rebutted in the para-wise reply submitted by the Licensing Authority, the orders of suspension stand vitiated and are liable to be quashed.

11. The written instructions supplied by the learned Standing Counsel shall be retained on record.

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