

Pradeep Kumar Gupta vs State Of U.P. And 4 Others on 18 December, 2023

Author: Mahesh Chandra Tripathi

Bench: Mahesh Chandra Tripathi

HIGH COURT OF JUDICATURE AT ALLAHABAD

?

Neutral Citation No. - 2023:AHC:239282-DB

Court No. - 40

Case :- WRIT - C No. - 39896 of 2023

Petitioner :- Pradeep Kumar Gupta

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

Counsel for Petitioner :- Kripa Shankar Tiwari,Aqueel Ahmad,Shivani Chaudhary

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard learned counsel for the petitioner and Sri Ambrish Shukla, learned A.C.S.C. for State-respondents.

2. The present petition is preferred assailing the validity of the impugned order dated 23.09.2023 passed by Assistant Commissioner (Food), Grade-II, Food Safety and Drug Administration, District

Mahoba.

3. While passing the order impugned, the Asstt. Commissioner had also given leave to the petitioner-applicant to move an appropriate appeal within 30 days in Format-8 under Section 46(4) of Food Safety and Standards Act, 2006 read with Rule 2.4.6(1).

4. Learned counsel for the petitioner submits that in response to the said leave, the petitioner has already sent the appeal through registered post, which is pending consideration.

5. The said claim is resisted by learned A.C.S.C. stating that while passing the impugned order, leave was accorded to the petitioner by the prescribed authority to file an appeal as per the relevant provisions but instead of filing appropriate appeal, he has sent it through registered post which is not permissible.

6. In reply, learned counsel for the petitioner submits that petitioner tried to move an appeal but the same had been refused and thereafter the petitioner sent the appeal on the prescribed format through registered post on 11.10.2022 well within time.

7. Considering the facts and circumstances of the case, without advertng any opinion on the merits of the case, we dispose of the present petition directing that in case petitioner moves an appropriate appeal in accordance with law within a period of ten days from today annexing therewith a certified copy of this order, the same would be considered and decided in accordance with law on merits ignoring the delay and laches.

Order Date :- 18.12.2023 P.Sri.