

Rahul Chulbula vs State Of U.P. And 2 Others on 29 July, 2022

Bench: Manoj Kumar Gupta, Yogendra Kumar Srivastava

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 21

Case :- WRIT - C No. - 18169 of 2022

Petitioner :- Rahul Chulbula

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Akhilesh Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Dr. Yogendra Kumar Srivastava,J.

The petitioner is aggrieved by an order dated 29.3.2022, passed by Adjudicating Officer, under the provisions of the Food Safety and Standards Act, 2006.

Sri Dilip Kesarwani, learned Additional Chief Standing Counsel, submitted that under Section 70 of the Food Safety and Standards Act, 2006, an appeal lies from the decision of Adjudicating Officer to the tribunal. He further submitted that the State Government by a notification dated 3.5.2014 has constituted tribunal for different areas and also appointed presiding officer therefor. In case of petitioner, the appeal would be maintainable before District and Sessions Judge, Moradabad, under whose jurisdiction District Bijnor falls. A copy of the said notification has been placed before us for our perusal and we find sufficient force in the submission of learned Additional Chief Standing Counsel.

Accordingly, the writ petition is disposed of with liberty to the petitioner to avail the remedy of appeal as provided under Section 68, read with Section 70 of the Food Safety and Standards Act, 2006.

(Dr. Y.K. Srivastava, J.) (Manoj Kumar Gupta, J.) Order Date :- 29.7.2022 Jaideep/-