

# Neeraj Kumar vs Commissioner Of Food Safety And ... on 30 November, 2022

**Author: Vivek Chaudhary**

**Bench: Vivek Chaudhary**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 4

Case :- MATTERS UNDER ARTICLE 227 No. - 10902 of 2022

Petitioner :- Neeraj Kumar

Respondent :- Commissioner Of Food Safety And Principal Secretary And 3 Others

Counsel for Petitioner :- Sushil Kumar Sharma, Abhishe Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary, J.

Heard learned counsel for the petitioner and learned Standing Counsel for State respondents.

The instant petition has been filed by the petitioner challenging the order dated 31.10.2022 passed by District Judge, Moradabad in Regular Civil Appeal No. 173 of 2022 (Neeraj Kumar vs. State), under Section 51 of Food Safety and Standards Act, 2006, by which appeal of the petitioner was admitted and conditional stay was granted to deposit 50% fine within one month.

It is submitted by learned counsel for the petitioner that the Additional District Magistrate (Administration), Moradabad without considering the objection of the petitioner had imposed a very excessive fine of Rs.3,00,000/- vide order dated 31.08.2022 and the appellate court while admitting the appeal has directed to deposit 50% of the fine ordered by the Additional District Magistrate (Administration), Moradabad.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the order dated 31.10.2022 passed by District Judge, Moradabad is modified to the extent that the petitioner shall deposit only Rs. 75,000/- in place of 50% of the amount of fine within one month from today which shall be subject to the final outcome of the appeal.

The present petition stands disposed of finally with a direction to the Food Safety Appellate Tribunal/District Judge, Moradabad to consider and decide the aforesaid appeal expeditiously, in accordance with the law, after giving opportunity of hearing to the parties concerned.

Order Date :- 30.11.2022 Krishna\* (Vivek Chaudhary, J.)