

Rahish Ahmad vs State Of U.P. And 5 Others on 12 July, 2021

Author: Kaushal Jayendra Thaker

Bench: Kaushal Jayendra Thaker

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 37

Case :- FIRST APPEAL FROM ORDER No. - 501 of 2021

Appellant :- Rahish Ahmad

Respondent :- State Of U.P. And 5 Others

Counsel for Appellant :- S.M. Iqbal Hasan

Hon'ble Dr. Kaushal Jayendra Thaker,J.

Heard learned counsel for the appellant and perused the memo of appeal.

This appeal has been preferred against the interim order dated 2.2.2021 passed by Food Security Appeal Tribunal/District Judge, Moradabad (hereinafter referred to as 'Tribunal') in regular Civil Appeal No.37 of 2021 staying 50% of the amount of fine imposed and directing 50% of the same to deposit within one month.

This appeal can be disposed of instead of keeping the same pending here as the appellant is a poor agriculturist and the country is facing what is known as COVID 19 pandemic. The petitioner is a small vendor in a small village. Prima facie the matters seems to be covered by the provision of Section 31 (2) of Food Safety and Standards Act, 2006.

Be that as it may, the appeal is writ large before the Tribunal. The order impugned is modified to the extent that the appellant herein shall deposit a sum of Rs.40,000/- in lump sum within 12 weeks from today before the Tribunal. Tribunal to hear the matter of the appellant on merits. Till then, the

recovery pursuant to the order dated 30.9.2019 shall remain stayed.

This arrangement is made looking to the situation of COVID 19, hence, this shall not be treated as precedent in future.

In view of the above, this appeal is partly allowed.

This Court is thankful to Sri S.M. Iqbal Hasan, learned counsel for the appellant for ably assisting the Court for such an earlier disposal of this matter.

Order Date :- 12.7.2021 DKS