

Ankit Kumar Mishra vs State Of Up And 3 Others on 20 March, 2024

Bench: Anjani Kumar Mishra, Jayant Banerji

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:50675-DB

Court No. - 3

Case :- WRIT - C No. - 9523 of 2024

Petitioner :- Ankit Kumar Mishra

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Rajesh Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Anjani Kumar Mishra,J.

Hon'ble Jayant Banerji,J.

1. Heard counsel for the petitioner and learned Standing Counsel for the respondents.
2. Challenge in the writ petition is to an order passed under Section 26(2) of the Food Safety and Standards Act, 2006 whereby, the penalty to the tune of Rs. 1,00,000/- has been imposed by upon the petitioner.
3. The contention of the learned counsel for the petitioner is that the order has been passed ex-parte because on account of certain circumstances the petitioner could not contest the proceedings despite service of notice.

4. We are not inclined to entertain the writ petition because against the order impugned, the petitioner has remedy of filing an appeal as provided under Section 70 of the Act. Sub-section (5) of Section 71 which provides the procedures and powers of the Tribunal makes the provision of the Limitation Act applicable to an appeal to the Tribunal.

5. Under the circumstances and since, the petitioner has statutory alternative remedy, this petition is dismissed with the observation that the petitioner may avail such remedy in case he is advised.

Order Date :- 20.3.2024 A. V. Singh