

The Real Sampooran Masala vs State Of U.P. And 2 Others on 12 October, 2023

Author: Jayant Banerji

Bench: Jayant Banerji

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2023:AHC:197202

Court No. - 1

Case :- MATTERS UNDER ARTICLE 227 No. - 6856 of 2023

Petitioner :- The Real Sampooran Masala

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

Counsel for Petitioner :- Pranava Kumar

Counsel for Respondent :- G.A.

Hon'ble Jayant Banerji,J.

1. List has been revised. No one appears to press this petition. Even on the previous occasion on 09.06.2023, when the matter was called out, no one had appeared to press this petition.
2. Shri Shyam Sundar, learned Standing Counsel appearing for the State, has assisted the Court.
3. In the present case, though it has been filed under Article 227 of the Constitution of India, writs of mandamus have been sought for a direction to the Court to stay the entire amount of fine pursuant to an order dated 02.01.2023 passed by the appellate authority while allowing the application for stay, paper no.6C.

4. It appears from the record that proceedings under Section 26(2) of the Food Safety and Standards Act, 2006 were initiated and an order dated 18.10.2022 was passed by the competent authority under the Act, 2006 imposing penalty, etc. under Section 52 of the aforesaid Act, 2006. The aforesaid order dated 18.10.2022 passed by the competent authority was subjected to challenge in an appeal being regular Civil Appeal No.2 of 2023 in the court of the Food Safety Appellate Authority/District Judge, Moradabad who passed the following order on 02.01.2023 :-

"Taken up.

Heard learned counsel of applicant/appellant and learned DGC(Civil) and perused the report of Sadar Munsarim.

Admit. Register as Regular Civil Appeal (FSSA Appeal). Issue notice to O.P. no. 2. by both modes. Steps be taken within a week. No need to issue notice to OP no.1 as learned DGC(Civil) is present on it's behalf.

List it on 20.2.2023 for hearing. Lower court record be summoned.

As Civil Appeal has been admitted and record of learned lower court is to be summoned, disposal of this civil appeal will take some time, therefore, Application 6/c is allowed to the extent that 50% of the amount of fine imposed will be deposited within one month and rest 50% of the amount of fine will remain stayed, till further order, on the condition that the appellant shall not seek any adjournment in this appeal and shall also cooperate for early disposal of this civil appeal. In default of depositing the amount of fine, or violating the condition, the stay order shall automatically stand cancelled."

5. There is no ground pleaded in the petition that may cause this Court to interfere in the aforesaid order passed by the District Judge, which is an interim order, in exercise jurisdiction under Article 227 of the Constitution.

6. This petition is, therefore, dismissed.

Order Date :- 12.10.2023 SK (Jayant Banerji, J.)