

Kodisi Kishore Raja vs The State Of Andhra Pradesh on 30 July, 2021

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

W.P.No.14622 of 2021

ORDER:

The petitioner is aggrieved by the order dated 01.02.2020 passed by the 5th respondent in Rc.No.006/D1/KR/05222/2015 and 006/D1/KR/05222/2015 imposing a fine of Rs.75,000/- on him under the provisions of Food Safety and Standards Act, 2006. These orders appear to have been served on the petitioner only in March 2021.

2. The petitioner assails these impugned orders on the ground that the principles of natural justice have not been followed and the order is a non-speaking order.

3. Heard Sri Y.N. Anjaneyacharyulu, learned counsel for the petitioner and learned Government Pleader for respondents.

4. A perusal of the impugned order shows that the order, except recording the facts leading to the case, does not set out any reason as to why the 5th respondent-adjudicating officer had arrived at the conclusion that there were violations of the provisions of the Food Safety and Standards Act, 2006. In the absence of any reasons, in a speaking order, it must be held that there has been a violation of the principles of natural justice, and such an order, which may be amenable to appeal in the usual course, requires to be set aside by this Court under Article 226 of the Constitution of India on the short ground that absence of any reasons makes the order un-appealable. Viewed from any angle, this order requires to be set aside at the earliest.

Accordingly, this writ petition is allowed setting aside the impugned order dated 01.02.2020 passed by the 5th respondent in Rc.No.006/D1/KR/05222/2015 and 006/D1/KR/05222/2015 under the 2 RRR,J provisions of Food Safety and Standards Act, 2006, leaving it open to the 5th respondent to pass a speaking order, with reasons, after giving due opportunity to the petitioner to place relevant material on record and after giving an opportunity of hearing to the petitioner. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

R. RAGHUNANDAN RAO, J.

30th July, 2021 Js.

3 RRR,J HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO 30th July, 2021 Js.