

Del Monte Foods Private Limited vs Additional District Magistrate Budgam ... on 26 February, 2024

Author: Rahul Bharti

Bench: Rahul Bharti

S. No. 196

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(803/2024) IN WP(C) 2885/2023
DEL MONTE FOODS PRIVATE LIMITED

...Petitioner(s)

Through: Mr. Numan Zargar, Advocate.

Vs.

ADDITIONAL DISTRICT MAGISTRATE BUDGAM AND ORS

...Respondent(s)

Through: Mr. Satinder Singh Kalla, AAG.

CORAM:

HON'BLE MR JUSTICE RAHUL BHARTI, JUDGE
ORDER

26.02.2024 This writ petition was filed on 06.11.2023 questioning an order dated 17.10.2023 passed under section 68 of the Food Safety & Standards Act, 2006 by the Adjudicating Officer FSS Budgam that being the Additional District Magistrate.

At the time of institution of this writ petition on 06.11.2023 in the UT of Jammu and Kashmir there was no Food Safety Appellate Tribunal functioning as required under section 70 of the Food Safety and Standards Act, 2006 which came to be constituted vide S.O 616 dated 15.12.2023 by the Government of UT of Jammu and Kashmir through its Health and Medical Education Department.

As such w.e.f. 15.12.2023 with the appointment of Presiding Officer of the Food Safety Appellate Authority, Kashmir, an order passed under section 68 of the Food Safety & Standards Act, 2006 is appealable under section 70(1) and as such the subject matter of the present writ petition has to be now translated in the form of statutory appeal by the petitioner and submit the case before the Food Safety Appellate Tribunal, Kashmir.

In view of this, this writ petition is disposed of with liberty to the petitioner to approach the Food Safety Appellate Tribunal, Kashmir with an appeal against the order impugned within a period of six weeks from the date of passing of this order and till that time the operation of the impugned order dated 17.10.2023 on file No. 44/N levying penalty of Rs. 5 lacs shall remain in abeyance.

In the event of default on the part of the petitioner to lay the requisite appeal on or before the expiry of six weeks time granted, the interim direction hereby granted shall stand vacated.

Disposed of.

(RAHUL BHARTI) JUDGE SRINAGAR 26.02.2024 Ishaq