

Sandeep Kumar Singh vs State Of U.P. Thru. Addl. Chief Secy. ... on 20 July, 2023

Author: Alok Mathur

Bench: Alok Mathur

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2023:AHC-LK0:47473

Court No. - 17

Case :- WRIT - C No. - 6023 of 2023

Petitioner :- Sandeep Kumar Singh

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Food Deptt. Lko. And 3 Others

Counsel for Petitioner :- Ashutosh Kumar,Vijay Vikram Singh

Counsel for Respondent :- C.S.C.

Hon'ble Alok Mathur,J.

1. Heard Sri Ashutosh Kumar, learned counsel for petitioner as well as learned Standing Counsel for respondents.

2. By means of the present writ petition, the petitioner has challenged the order dated 25.03.2022 passed by the Adjudicating Officer/Additional District Magistrate (Administration), Sultanpur whereby he has imposed the punishment under Section 26(2)(ii)(v) and 31(2) as well as Section 51 & 58 of the Food Safety and Standards Act, 2006.

3. The allegation against the petitioner was that on 25.04.2019 a passenger was delivering some food products i. e. Paneer and Khoya in the vehicle of the petitioner and the said vehicle was intercepted by Inspecting Team lead by the Chief Food Safety Officer where one kilogram of paneer and one kilogram of khoya was confiscated. On analysis the said food was found to be sub-standard and proceedings under Food Safety and Standards Act were initiated against the petitioner as well as the penalty was imposed against the person carrying the said food (petitioner). Against the order of penalty dated 25.03.2022, the petitioner had moved an application for recall stating that he has not been heard by the Adjudicating Authority and the application has been rejected on 22.05.2023.
4. It has further been noticed that the order of rejection of the application of the petitioner has not been challenged in the present writ petition but the recovery proceedings initiated in pursuance of the penalty order dated 25.03.2022 has been challenged.
5. Learned Standing Counsel on the other hand has submitted that the petitioner has an efficacious alternative remedy of appeal under Section 71 of the Act of 2006 before the Tribunal where all the contentions raised by the petitioner can be duly considered by the Tribunal and adjudicated.
6. Learned counsel for petitioner has submitted that petitioner is ready and willing to file an appeal.
7. In light of the the above, the writ petition is disposed of with a liberty to the petitioner to file an appeal against the order of penalty before the Tribunal and in case such an appeal is filed within next two weeks along with an application for interim relief, the Tribunal shall proceed to consider and decide the application for interim relief expeditiously in accordance with law.

(Alok Mathur, J.) Order Date :- 20.7.2023 Ravi/