

# Shekhar Kesharwani vs State Of U.P. And Another on 9 June, 2021

**Bench: Sanjay Yadav, Prakash Padia**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 9

Case :- WRIT - C No. - 5790 of 2021

Petitioner :- Shekhar Kesharwani

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Krishna Dev Mishra, Javed Alam

Counsel for Respondent :- C.S.C.

Hon'ble Sanjay Yadav, Acting Chief Justice

Hon'ble Prakash Padia, J.

Matter taken up through video conferencing.

Shri K.D. Mishra, learned counsel appear for the petitioner.

Learned Standing Counsel appear the State Respondents.

Challenge in this petition is to an order dated 14.01.2020 passed by the Competent Authority in exercise of power under Section 52 read with 58 of Food Safety and Standards Act, 2006. It being not disputed that the said order is appealable under Section 76 of the Act of 2006, we are not inclined to cause any indulgence in the petition filed under Article 226 of the Constitution of India.

Consequently, while setting the petitioner at liberty to avail remedy under Section 76 of the Food Safety and Standards Act, 2006, the petition stands dismissed.

In case an appeal is preferred within a period of 30 days from today, the Appellate Authority shall dwell upon the same rather throw it overboard on ground of limitation and decide the appeal expeditiously; however, not later than six months from the date of filing of appeal.

Order Date :- 9.6.2021 Kirti (Prakash Padia,J) (Sanjay Yadav, ACJ)