

M/S Bajrang Sweets And Namkeen vs State Of Up And 3 Others on 15 April, 2024

Author: Vivek Kumar Birla

Bench: Vivek Kumar Birla

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2024:AHC:64946-DB

Court No. - 29

Case :- WRIT - C No. - 5418 of 2024

Petitioner :- M/S Bajrang Sweets And Namkeen

Respondent :- State Of Up And 3 Others

Counsel for Petitioner :- Seema Pandey,Vivek Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Heard Sri Vivek Shukla, learned counsel for the petitioner and Sri Dileep Kumar Kesarwani, learned Additional Chief Standing Counsel appearing for the respondents and perused the record.

2. Present petition has been filed challenging the impugned order dated 30.11.2023 passed by the respondent no. 2 in Case No. 304 of 2022 (State vs. Lalji Gupta), under Section 26 (2) of Food Safety and Standards Act, 2006 as well as the order dated 11.10.2021 passed by the respondent no. 3 under Section 3 (1)(zx) of Food Safety and Standards Act, 2006 respectively.

3. At the very outset, Sri Dileep Kumar Kesarwani, learned Additional Chief Standing Counsel appearing for the respondents has raised a preliminary objection that the petitioner has an alternative remedy before the tribunal constituted under Section 70 (1) of the Food Safety and Standards Act, 2006. He has produced a copy of the notification dated 13.5.2014.

4. Learned counsel for the petitioner could not dispute the same.

5. In view of the statement made by the learned Standing Counsel on instruction, this writ petition is dismissed on the ground of an alternative remedy, leaving it open for the petitioner to prefer an appeal before the Tribunal under Section 70(1) of the Food Safety and Standards Act, 2006. If such an appeal is filed by the petitioner within four weeks from today along a certified copy of this order, it shall be decided by the Tribunal in accordance with law on merit without raising any objection as to the limitation.

6. Certified copy of the impugned order shall be returned by the office to the learned counsel for the petitioner within three days, after retaining a photostat copy of the same in the record.

7. It is made clear that we have not expressed any opinion on merits of the case of the petitioners.

Order Date :- 15.4.2024 Abhishek