

Shailendra Pandey vs State Of U.P. And 2 Others on 22 February, 2021

Bench: Sunita Agarwal, Deepak Verma

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Court No. - 39

Case :- WRIT - C No. - 6246 of 2021

Petitioner :- Shailendra Pandey

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Narendra Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Sunita Agarwal,J.

Hon'ble Deepak Verma,J.

Heard learned counsel for the petitioner and perused the record.

The challenge in the writ petition is to the recovery of penalty imposed under Sections 51 and 58 of the Food Safety and Standards Act, 2006 (hereinafter referred to as 'the Act, 2006') pursuant to an adjudication made by the Adjudicating Officer under Section 68 of the Act, 2006.

It appears from the record that a recovery citation dated 08.01.2021 has been issued by the respondent no.3 namely Tehsildar, Sadar, District- Prayagraj pursuant to the order dated 24.09.2018.

The learned Standing Counsel upon instructions passed on the notification dated 14.06.2013 which provides for establishment of the Food Safety Appellate Tribunal in each of the divisional head quarter mentioned therein.

Rule 3.3.1 of the Food Safety and Standards Rule, 2011 provides for limitation of 30 days from the date of receipt of copy of the order under Section 68 of the Act. The Appellate Tribunal, however, has been allowed a maximum of another 30 days to entertain the appeal, if satisfied that there was

sufficient cause for delay.

As the petitioner has not availed the remedy of filing appeal under Section 70 of the Act, 2006, we do not find any good ground to quash the recovery.

However, the petitioner is granted liberty to file an appeal within a period of three weeks from today along with copy of this order. In case such an appeal is filed within the time given above before the Appellate Tribunal under Section 70 of the Act, 2006, the limitation in filing the appeal shall not be insisted. The appeal be decided on merits by the Appellate Authority dealing with all grounds raised therein and an expeditious decision be taken within a further period of six weeks, thereafter.

Till the date of filing of the appeal, the recovery pursuant to the recovery citation dated 08.01.2021 shall not be insisted.

In view of the above, the writ petition is disposed of.

Order Date :- 22.2.2021 P Kesari