

Court No. - 8

Case :- WRIT - C No. - 7175 of 2020

Petitioner :- Abhishekh Upadhaya

Respondent :- State Of U.P. Through Prin.Secy.
Home And Ors.

Counsel for Petitioner :- Anand Dubey, Akansha
Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Pankaj Bhatia,J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State respondent and perused the material brought on record.

The present writ petition has been filed by the petitioner challenging the order dated 22.01.2020, whereby the appeal preferred by the petitioner was dismissed as time barred.

The facts in brief are that an order came to be passed against the petitioner on 23.01.2019 canceling the arms license granted in favour of the petitioner. Against the said order, the petitioner preferred an appeal along with the delay condonation application. It is alleged that the delay occurred on account of the illness of the petitioner, however the appellate authority taking a technical view of the matter dismissed the appeal as being time barred after refusing to condone the delay in filing the appeal.

The order dated 22.01.2020 is prima facie in an ignorance of the material showing that the petitioner was unwell, as such, the same cannot be sustained and is quashed. The matter is remanded to the appellate authority to decide the appeal no. 00046 of 2020 afresh in accordance with law and on merits after hearing the parties.

With the aforesaid observation and direction, the writ petition stands ***disposed of***.

Order Date :- 6.12.2023

Arun