

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT APEAL No. 570 OF 2015

08-07-2015

Between:

Kilaparthi Varalakshmi

... Appellant

And

The State of Andhra Pradesh, rep., by its Principal Secretary, Civil
Supplies Department, Secretariat Building, Hyderabad and two others

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
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WRIT APEAL No. 570 OF 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 19-06-2015 passed in Writ Petition No.17043 of 2015, whereby the prayer for allowing the appellant to furnish bank guarantee or security for the value of seized essential commodities to the tune of Rs.1,77,534.39 has been rejected and she is directed to furnish bank guarantee for a value of Rs.5,50,000/- being half of the estimated value of the seized vehicle.

Mr. A. Prabhakar Rao, learned counsel for the appellant invited our attention to the second proviso to Section 6-A (1) of the Essential Commodities Act, 1955 to contend that under this proviso, option is given to the owner of the vehicle to pay fine not exceeding the market price at the date of seizure of the essential commodity sought to be carried by such vehicle. In other words, he submitted, even if an order of confiscation is passed, the appellant would be liable to pay fine not exceeding market price of seized goods, and in the present case the market value of the goods being Rs.1,77,534.39, the appellant is ready to deposit or furnish bank guarantee for the said amount.

From bare reading of the proviso, it is clear that it provides an option to the vehicle owner for release of his vehicle and not to the owner of essential commodity. It provides that in case, a vehicle is used for carriage of goods, the owner of such vehicle has an option to pay, in lieu of its (vehicle) confiscation, a fine not exceeding the market price at the date of seizure of the essential commodity sought to be

carried by such “vehicle”. From the language of Section 6-A(1), to us, the expression “a fine not exceeding the market price at the date of seizure of the essential commodity” prima facie means market price of the vehicle on the date when the essential commodity was seized is liable to be paid by the owner of the vehicle to get his vehicle released. Thus, we do not find any reason to interfere with the order passed by the learned Judge.

Hence, writ appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

08-07-2015
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