

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.34397 of 2017

ORDER:

Heard the learned Counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner is a Wholesale Dealer in Edible Oils, having registered office in Azamabad Industrial Area, Azamabad, Hyderabad. Its branch is located in Kamayyathopu, Vijayawada. It applied for licence to carry on its business with the 4th respondent by paying amount under a challan, dated 21.11.2014, and also submitted the National Savings Certificate along with an affidavit. The petitioner is a registered VAT dealer. The petitioner is having licence to deal in scheduled commodities under the provisions of A.P. Scheduled Commodities Dealers (Licence, Storage and Regulation) Order, 2008, issued by the authorities of State of Telangana. So far as its branch office located at Vijayawada is concerned, it is not having a separate licence. The 3rd respondent visited the business premises of the petitioner situated at Vijayawada on 24.08.2017 and seized the stock of 13,922 kgs., of edible oils of different varieties on the ground that the petitioner does not possess the valid licence issued by the authorities in the State of Andhra Pradesh. Now, the proceedings under Section 6-A of the Essential Commodities Act (for short 'the Act') are pending before the 2nd respondent. Pending the proceedings under Section 6A of the Act, the 2nd respondent passed an order on nil-09-2017 directing the Assistant Grain Purchase Officer, Vijayawada, to dispose of the stock by conducting public auction on the ground that the seized stock is evaporative in nature, ignoring the application of the petitioner dated 28.08.2017. Hence, the present writ petition is filed.

The edible oil cannot be called as evaporative in nature and it can wait till the disposal of the proceedings pending before the 2nd respondent. Since the proceedings were taken in the last week of August 2017 by the 2nd respondent pursuant to the seizure of commodities it is for the 2nd respondent to dispose of the pending proceedings as expeditiously as possible but not later than two months from the date of receipt of a copy of the order since the ground of seizure was that the petitioner did not possess a valid licence to do business in the state of Andhra Pradesh.

In the circumstances, this writ petition is disposed of directing the 2nd respondent to dispose of the pending 6A proceedings after giving due opportunity to the petitioner, within a period of two (2) months from the date of receipt of a copy of this order since the edible oil is not evaporative in nature and can wait till disposal of the proceedings. There shall be interim suspension of the proceedings of the 2nd respondent in ECP No.396/ 2017, dated nil/ 08/ 2017., till disposal of the case. It is needless to observe that the petitioner shall be cooperative for the disposal of the proceedings by the 2nd respondent.

The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

A. RAMALINGESWARA RAO, J

October 23, 2017

KTL