

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.627 OF 2018

ORDER :

This writ petition is filed challenging the action of the 2nd respondent in issuing show cause notice as well as the interim disposal order, simultaneously, bearing Proceedings Rc.CS1/6A/139/2017, dated 20.09.2017, without even waiting till completion of the time specified in the show cause notice for submitting the explanation.

Learned counsel for the petitioner submits that petitioner was issued show cause notice under Section 6B of the Essential Commodities Act, 1995 (*for short 'the Act'*) on 20.09.2017 directing him to show cause within 7 days as to why the seized stocks should not be confiscated in favour of the Government, but, without waiting till completion of such period, the respondents passed order for interim disposal of the seized stocks on the same day. He further submits that the petitioner is ready to furnish Bank Guarantee to the value of the seized stocks, pending enquiry under Section 6 A of the Essential Commodities Act; and that though petitioner submitted explanation on 27.12.2017, no final orders are passed.

Heard learned Assistant Government Pleader for Civil Supplies who submits that interim disposal order is passed in the month of September and that by this time stocks might have been disposed of.

It is to be seen that though the petitioner submitted explanation on 27.12.2017, no orders are passed. In view of the same, the 2nd respondent is directed to pass final orders under Section 6A of the Act after affording opportunity of hearing to the petitioner within a period of three months from the date of receipt of a copy of this order. Till enquiry is completed under Section 6 A of the Act, the seized stocks shall not be sold. However, this order will not preclude the 2nd respondent from considering the application of the petitioner for release of the seized stocks on furnishing Bank Guarantee by the petitioner, which will be subject to further orders in the enquiry under Section 6A of the Act.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

05.01.2018

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