

HIGH COURT OF CHHATTISGARH, BILASPUR**WPCR No. 122 of 2017**

- Chander Thawani S/o Shri Manak Das Thawani, Aged About 50 Years Proprietor M/s Laxmi Sweets, Infront Of Rathni Building Bazaar, Dalpat Sagar Ward No. 18 Jagdalpur, District Bastar Chhattisgarh

---- Petitioner**Versus**

- State of Chhattisgarh Through Food Safety Officer, Food And Drugs Administration, Jagdalpur, District Bastar Chhattisgarh

---- Respondent**WP227 No. 316 of 2017**

- Pukhraj Golchha S/o. Hukumchand Golchha, Aged About 42 Years Proprietor Of M/s. Golchha Traders Nayapara Jagdalpur District Bastar Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Food Safety Officer, Food And Medicine Department, Jagdalpur, District Bastar Chhattisgarh Prosecution, Chhattisgarh
2. Additional District Magistrate And Adjudicating Officer Jagdalpur, District Bastar Chhattisgarh. Presiding Officer

---- Respondents

For Respective Petitioners : Ms. Rajkumari Yadav, Advocate on behalf of Shri Manoj Mishra, Advocate and Shri P.K. Tulsyan, Advocate

For Respondent/State : Shri Chandresh Shrivastava, Dy. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/03/2019**

1. Heard.
2. The present petitions are to challenge the order dated 23.11.2016 passed by

the Additional District Magistrate, who was the adjudicating authority under Section 68 of the Food Safety and Standards Act, 2006 (hereinafter referred to as the Act, 2006).

3. It is contended on behalf of the State Government that vide notification dated 9th of October, 2017, bearing No.25-8/2011/नौ/55, the State Government has already constituted an appellate tribunal under Section 70 of the Act, 2006 and District & Sessions Judge of every civil District has been nominated as the Presiding Officer of the Food Safety Appellate Tribunal and therefore, the remedy of filing of appeal can be availed.
4. Perused the notification. In view of such notification, the petitioners have appellate remedy and they may prefer an appeal before the Appellate Tribunal so designated within a period of 30 days from today along with an application for condonation of delay. If such applications are filed, the respective Tribunal shall adjudicate the case in the objective manner taking into the facts & circumstances and background of the case. It is further directed that the interim order shall continue for a further period of 30 days.
5. Registry is directed to return the certified copy of the order and documents after retaining photocopy of the same.
6. With such observation, both the petitions stand disposed of.

Sd/-

Goutam Bhaduri
Judge

Ashu