

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1183 of 2023

Sunil Sah @ Sunil Shah

... .. Petitioner/s

Versus

The State of Bihar & Ors.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Krishna Kumar, Adv.
For the BSFC	:	Mr. Shailendra Kumar Singh, Adv.
For the State	:	Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 04-07-2023 After arguing at length, the learned counsel present for the respondent has stated that the order which is impugned in the present writ petition has been passed by the Divisional Commissioner, Patna vide Appeal No. 75 of 2022.

Learned counsel has stated that as per Section 60(A) of the Essential Commodities Act, the Divisional Commissioner is not the appellate authority but the District Judge is the appellate authority. Therefore, the order dated 25.08.2022 passed by the Divisional Commissioner, Patna is non est in the eye of law as the Divisional Commissioner does not have any jurisdiction to pass any order or to entertain the appeal.

Having regard to the same, the impugned order is set aside, granting liberty to the petitioner to approach the District Judge within a period of two weeks from the date of receipt of



the copy of this order and on such appeal being filed the same shall be disposed of in accordance with law as expeditiously as possible preferably within three months from the date of filing of the appeal.

(A. Abhishek Reddy , J)

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