

Court No. - 9

Case :- MATTERS UNDER ARTICLE 227 No. - 4069 of 2022

Petitioner :- Amir Ahamad

Respondent :- Commissioner Of Food Safety And Principal Secretary
And 3 Others

Counsel for Petitioner :- Manish Kumar Kashyap, V.P. Singh Kashyap

Counsel for Respondent :- C.S.C.

Hon'ble Vipin Chandra Dixit, J.

Heard learned counsel for the petitioner and learned Standing Counsel for State respondents.

The instant petition has been filed by the petitioner challenging the order dated 18.4.2022 passed by District Judge, Moradabad in Civil Appeal No. 39 of 2022 (CNR No. UPMO010035312022)(Amir Ahamad vs. State) by which appeal of the petitioner was admitted and conditional stay was granted to deposit 50% fine within one month.

It is submitted by learned counsel for the petitioner that the Additional District Magistrate(Administration), without considering the objection of the petitioner had imposed a very excessive fine of Rs.4,50,000/- vide order dated 7.10.2020 and the lower appellate Court while admitting the appeal has directed to deposit 50% of the fine. It is further submitted that the appeal preferred by the petitioner may be expedited.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the issue, the present petition stands disposed of finally with a direction to the Food Safety Appellate Tribunal/District Judge, Moradabad to consider and decide the aforesaid appeal in accordance with law expeditiously and preferably within a period of six months from the date of receipt of certified copy of this order, after giving opportunity of hearing to the parties concerned and without granting unnecessary adjournments to either of the parties, if there is no legal impediment.

The order dated 18.4.2022 passed by District Judge, Moradabad is modified to the extent that the petitioner shall deposit only Rs. 50,000/- in place of 50% of the amount of fine within one month from today which shall be subject to the final outcome of the appeal.

Order Date :- 22.7.2022

P.P.