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**(2019) 03 CHH CK 0171**

**In the Chhattisgarh High Court**

**Case No :** WPCR No. 122 Of 2017, Writ Petition 227 No. 316 Of 2017

Chander Thawani

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

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**Date of Decision :** 19-03-2019

**Acts Referred:**

Food Safety And Standards Act, 2006 — Section 68, 70

**Citation :** (2019) 03 CHH CK 0171

**Hon'ble Judges :** Goutam Bhaduri, J

**Bench :** Single Bench

**Advocate :** Rajkumari Yadav, Manoj Mishra, P.K. Tulsyan, Chandresh Shrivastava

**Final Decision :** Disposed Of

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## **Judgement**

Goutam Bhaduri, J

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 9 th of October, 2017, bearing No.25-8/2011/ukS/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.