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**(2014) 01 MP CK 0106**  
**In the Madhya Pradesh High Court**  
**Case No : WP No. 17405 of 2012**

R.K. Shivhare

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision :** 27-01-2014

**Acts Referred:**

Food Safety and Standards Act, 2006 — Section 70

**Citation :** (2014) FAJ 492

**Hon'ble Judges :** R.S. Jha, J

**Bench :** Single Bench

**Advocate :** P. Pareekh, Learned Counsel, Advocates for the Appellant; S.M. Lal, Learned G.A, Advocates for the Respondent

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## Judgement

R.S. Jha, J.—The learned counsel for the petitioner submits that the present petition has been filed as the Tribunal required to be constituted under the Food Safety and Standard Act 2006, has not been constituted as a result of which the appellate tribunal forum prescribed under Section 70 of the Act is not available to the petitioner. The learned Government Advocate for the State submits that the Tribunal has been constituted by Gazette Notification dated 25th of October, 2013 and the District Judge has also been nominated for presiding over the same. It is stated that the appellate forum is therefore, functional.

2. In view of the aforesaid, the petitioner has alternative efficacious statutory remedy as the appellate forum is available to him, he prays for and is permitted to withdraw this petition with liberty to file an appeal before the appellate forum in accordance with the provisions prescribed by law.

3. It goes without saying that the petitioner may file an appropriate application for condonation of delay that has occurred in prosecuting the matter before this court, in the proceedings before the Tribunal. With the aforesaid liberty, the petition stands disposed of as withdrawn.