

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8538 of 2018

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Aditya Kumar Gupta Son of Dina Nath Prasad Gupta, Resident of Village-
Sikendra, P.S.- Sikendra, District- Jamui.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Food and Civil Supply,
Government of Bihar, Patna
2. The District Magistrate-cum-Collector, Jamui.
3. Sub Divisional Magistrate, Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vijay Kumar, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad- AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 04-07-2025

1. The writ petition is filed for the following reliefs:

“ i) For the quashing the order dated 24.01.2018 passed by respondent District Magistrate, Jamui in confiscation case No. 1 of 2016 whereby four sealed gas cylinders, 2 empty gas cylinders and one empty commercial cylinders of H.P. Company were ceased have been confiscated exercising power under Section 6-A of Essential Commodities Act.

ii) For further direction against the respondent authorizes to release those ceased cylinders forthwith in favour of the petitioner for the simple reason that all



those cylinders were found in the house of petitioner which are owned and possessed through a valid connection standing in the name of brothers of the petitioner who are separate in mess and business though their residential house /building is common.

iii) For any other relief or reliefs for which the petitioner is found entitled in the facts and circumstance of the case.”

2. At this juncture, the Learned counsel for the respondents contended that Section 6(C) of the Essential Commodities Act, 1955 provides for the provision of appeal. Section 6(C) read as follows:

“6C. Appeal.— (1) Any person aggrieved by an order of confiscation under section 6A may, within one month from the date of the communication to him of such order, appeal to any judicial authority appointed by the State Government concerned and the judicial authority shall, after giving an opportunity to the appellant to be heard, pass such order as it may think fit, confirming, modifying or annulling the order appealed against.



(2) Where an order under section 6A is modified or annulled by such judicial authority, or where in a prosecution instituted for the contravention of the order in respect of which an order of confiscation has been made under section 6A, the person concerned is acquitted, and in either case it is not possible for any reason to 3[return the essential commodity seized], 4[such persons shall, except as provided by sub-section (3) of section 6A, be paid] the price therefore 5[as if the essential commodity,] had been sold to the Government with reasonable interest calculated from the day of the seizure of 6 [the essential commodity] 7 [and such price shall be determined—

(i) in the case of food grains, edible oil seeds or edible oils, in accordance with the provisions of sub-section (3B) of section 3;

(ii) in the case of sugar, in accordance with the provisions of subsection (3C) of section 3 ; and

(iii) in the case of any other essential commodity, in accordance with the provisions of sub-section (3) of section 3.].”



3. Admittedly, from the reliefs prayed for in the writ petition, it is evident that the petitioner has an alternative remedy of appeal available under Section 6(C) of the Essential Commodities Act, 1955.

4. The Learned counsel for the petitioner contended that he intends to file an appeal before the concerned authority, but the limitation period for filing the appeal has lapsed. He prayed for a direction to the concerned authority to entertain the appeal in accordance with Section 5 of the Limitation Act.

5. Taking into consideration that the petitioner has an alternative remedy for filing an appeal, the writ petition is disposed of with a direction to the petitioner to file an appeal within four weeks from the date of receipt of this order before the authority concerned. The delay in filing the appeal shall be condoned by the concerned authority, and the authority shall dispose of the appeal within three months from the date of filing of the appeal.



6. With the above said observation, the Writ petition is disposed of.

7. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.07.2025
Transmission Date	

