

26th October, 2026

South Goa, Margao and after perusing the same and after going through the legality and propriety thereof quashing and setting aside the impugned Order dt.29/12/2017.”

3. On 22.11.2018 the following order was passed:-

“Heard Shri R.G. Ramani, learned Advocate for the petitioners, who fairly concedes that the normal remedy for the petitioners would be by way of an appeal to the Appellate Tribunal constituted under Section 70 of the Food Safety and Standards Act, 2006. However, no such Appellate Tribunal has been constituted and hence he has been constrained to invoke the jurisdiction of this Court under Article 227 of the Constitution of India.

2. On a perusal of the order under challenge, it is apparent that there is no reference to any offence being allegedly committed by the petitioners and in respect of which the adjudicating Officer has imposed the penalty on the petitioners and also the respondents no.2 to 12. The matter requires consideration and in view thereof, issue notice to the respondent no.1 returnable on 18/12/2018.”

4. This Petition was admitted on 04.03.2019, which reads as follows:

“Heard Shri R. G. Ramani, learned Advocate for the petitioners and Shri S.R. Rivankar, learned Public Prosecutor for the respondent No.1.

2. Admit.

3. In the meantime, ad-interim relief granted in terms of prayer clause (ii).”

5. Mr. Nikhil Vaze, the learned Additional Public Prosecutor for the Respondent State, tenders the Notification bearing No. 13/10/2007-I/PHD(Part File)/1331, dated 29.05.2019, same is taken on record and marked with 'X' for identification. The said Notification reads as follows:

‘NOTIFICATION

In exercise of the powers conferred by sub-sections (1) and (3) of section 70 of the Food Safety and Standards Act, 2006 (Central Act 34 of 2006) (hereinafter referred to as the "said Act") and with the concurrence of the High Court, Bombay conveyed vide letter No. A.1239/G/881/2019 dated 09/04/2019 the Government of Goa hereby establishes the Court of the District Judge-1, South-Goa at Margao, as the Goa Food Safety Appellate Tribunal for the whole of the State of Goa and appoints the District Judge-1, South Goa at Margao, as the Presiding Officer of the said Goa Food Safety Appellate Tribunal.

This Notification shall come into force with immediate effect.”

6. Mr. Nikhil Vaze, learned Additional Public Prosecutor, submits that upon the constitution of the “Goa Food Safety Appellate Tribunal”, the Petitioner would now have to approach the said Tribunal.

7. Mr R. G. Ramani, learned Senior Advocate, submits that in view of the statement made by Mr N. Vaze, learned Additional Public Prosecutor and the Notification dated 29.05.2019, leave be granted to the Petitioners to withdraw this Petition and file an appropriate appeal before the Goa Food Safety Appellate Tribunal. He further states that the time spent in this petition be excluded and that the Petitioner be

granted a reasonable time of 30 days to file an Appeal under Section 70 of the Food Safety and Standards Act, 2006 before the said Tribunal.

8. Mr. Nikhil Vaze, learned Additional Public Prosecutor, does not oppose the said request, subject to the Petitioner filing the appeal within 30 days from today.

9. In view of the above, leave is granted to withdraw this Petition with liberty to file an appeal under Section 70 of the Food Safety and Standards Act, 2006, against the impugned order before the Goa Food Safety Appellate Tribunal. If the appeal is filed before the Tribunal within 30 days from today, the Tribunal shall decide the appeal without insisting on any application for condonation of delay. To clarify, the time the Petitioner spent in this petition is excluded under Section 14 of the Limitation Act, 1963.

10. Criminal Writ petition No. 188 of 2018 is disposed of.

ASHWIN D. BHOBE, J.