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Essential Commodities Act, 1955

Section 6B - Issue of Show Cause Notice Before Confiscation of Foodgrains, Etc.

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1 [6B. Issue of show cause notice before confiscation of foodgrains, etc.

2 [(1)] No order confiscating 3 [any 4 [essential commodity] package, covering, receptacle, animal, vehicle, vessel or other conveyance] shall be made under section 6A unless the owner of such 4 [essential commodity] package, covering, receptacle, animal, vehicle, vessel or other conveyance) or the person from whom 5 [it is seized]-

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate the 3 [essential commodity] package, covering, receptacle, animal, vehicle, vessel or other conveyance];

(b) is given an opportunity of making a presentation in wiring within such reasonable time as may be specified in the notice against the ground of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

6 [(2) Without prejudice to the provisions of sub-section (1), no order confiscating any animal, vehicle vessel or other conveyance shall be made under section 6A if the owner of the animal, vehicle vessel or other conveyance proves to the satisfaction of the Collector that it was used in carrying the essential commodity without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, vehicle, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.]

7 [(3) No order confiscating any essential commodity package, covering, receptacle, animal, vehicle, vessel or other conveyance shall be invalid merely by reason of any defect or irregularity in the notice, given under clause (a) of sub-section (1), if, in giving such notice, the provisions of that clause have been substantially complied with.]

STATE AMENDMENT

8 Uttar Pradesh

After section 6B, insert the following section, namely:

"6BB. Review.--(1) Where the Collector is satisfied that an order of confiscation or an order refusing confiscation made under section 6A suffers from a mistake apparent on the face of the record (including any mistake of law) he may within one month of such order issue notice to the owner of the essential commodity, package, covering, receptacle, animal, vehicle, vessel or other conveyance, or, as the case may be, the person from whom it was seized, to show cause why that order should not be reviewed, and after giving him a reasonable opportunity of being heard, pass such order on review as he thinks fit.

(2) The provisions of sections 6C and 6D shall apply in relation to an order passed originally under section 6A."

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1. Inserted by Act 25 of 1966, section 3 (w.e.f. 3-9-1966).

2. Section 6B renumbered as sub-section (1) thereof by Act 30 of 1974, section 5 (w.e.f. 22-6-1974).

3. Substituted by Act 36 of 1967, section 5, for "any foodgrain, edible oilseeds or edible oils" (w.e.f. 30-12-1967).

4. Substituted by Act 30 of 1974, section 5, for the words "essential commodity" (w.e.f. 22-6-1974).

5. Substituted by Act 36 of 1967, section 5, for "they are seized".

6. Inserted by Act 30 0f 1974, section 5 (w.e.f. 22-6-1974).)

7. Inserted by Act 92 of 1976, section 5 (w.e.f. 2-9-1976).

8. Vide Uttar Pradesh Act 18 of 1975, section 6 (w.e.f. 31-3-1975).

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