

Essential Commodities Act, 1955

Section 6C - Appeal

1 [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 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 2 [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 therefor 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 foodgrains, edible oilseeds 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 sub-section (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.]

STATE AMENDMENT

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For section 6C, substitute the following section, namely:--

"6C. Appeal--(1) Any person aggrieved by an order of confiscation under section 6A may, without 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 modified or annulled by such judicial authority, or where in a prosecution 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 return the essential commodity seized, such person shall, save as provided by sub-section (3) of section 6A, be paid the price thereof as if the essential commodity had been sold to the Government with reasonable interest calculated from the day of the seizure of the essential commodity and such price shall be determined--

(i) in the case of foodgrains, edible oilseeds 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 sub-section (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."

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

2. The words "the State Government concerned and the State Government" subs, by Act 18 of 1981 as amended by Act 34 of 1993, for "any judicial authority appointed by the State Government and the judicial authority" for a period of fifteen years, now they stand ceased to have effect after the expiry of fifteen years. See Appendix -- Section 5(a) of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981).

3. The words "the State Government" substituted by Act 18 of 1981 as amended by Act 34 of 1993, for "such judicial authority" for a period of fifteen years, now they stand ceased to have effect after the expiry of fifteen years, See Appendix -- Section 5(b) of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981).

4. Substituted by Act 36 of 1967, section 6, for "return the food grains or edible oil seeds or edible oils seized" (w.e.f. 30-12-1967).

5. Substituted by Act 92 of 1976, section 6, for "such person shall be paid".

6. Substituted by Act 36 of 1967, section 6, for "as if the food grains, edible oil seeds or edible oils, as the case may be," (w.e.f. 30-12-1967).

7. Substituted by Act 36 of 1967, section 6, for "articles" (w.e.f. 30-12-1967).

8. Substituted by Act 36 of 1967, section 6, for certain words (w.e.f. 30-12-1967).
