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Essential Commodities Act, 1955

Section 6C - Appeal

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1 [6C.Appeal

(1) Any person aggrievedby 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 judicialauthority by the State Government concerned and the judicial authority shall,after giving an opportunity to the appellant to be heard, pass such order as itmay think fit, confirming, modifying or annulling the order appealed against.

(2) Where an order undersection 6A is modified orannulled by 2 [such judicial authority], or where in a prosecution instituted forthe contravention of the order in respect of which an order of confiscation hasbeen made under section 6A, theperson concerned is acquitted, and in either case it is not possible for anyreason to 3 [return the essential commodity seized], 4 [suchpersons shall, except as provided by sub-section (3) of section 6A, be paid] the price therefor 5 [as if theessential commodity,] had been sold to theGovernment 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, inaccordance with the provisions of sub-section (3B) of section 3;

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

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

STATEAMENDMENT

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

"6C.Appeal--(1) Any person aggrieved by an order of confiscation under section 6Amay, 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 andthe judicial authority shall, after giving an opportunity to the appellant to beheard, pass such order as it may think fit, confirming, modifying or annullingthe 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 whichan order of confiscation has been made under section 6A, the person concerned isacquitted and in either case it is not possible for any reason to return theessential 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 hadbeen sold to the Government with reasonable interest calculated from the day ofthe seizure of the essential commodity and such price shall be determined--

(i)in the case of foodgrains, edible oilseeds or edible oils, in accordance withthe provisions of sub-section (3B) of section 3;

(ii)in the case of sugar in accordance with the provisions of sub-section (3C) ofsection 3; and

(iii)in the case of any other essential commodity, in accordance with the provisionsof 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 judicialauthority appointed by the State Government and the judicial authority" fora period of fifteen years, now they stand ceased to have effect after the expiryof 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 asamended by Act 34 of 1993, for "such judicial authority" for a periodof fifteen years, now they stand ceased to have effect after the expiry offifteen 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 foodgrains oredible oilseeds or edible oils seized" (w.e.f. 30-12-1967).

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

6.Substituted by Act 36 of 1967, section 6, for "as if the foodgrains, edibleoilseeds 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).

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