

The Essential Commodities Act, 1955

Section 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 3[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 4[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 5[return the essential commodity seized],6[such persons shall, except as provided by sub-section (3) of section 6A, be paid] the price therefor 7[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] 8[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 AmendmentBihar. "For section 6C, substitute the following section, namely:""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 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."[Vide Bihar Act 9 of 1978, sec. 5 (w.e.f. 6-9-1978).]COMMENTSOrder passed under section 6A (2) does not attract section 6CThere is a difference in orders of confiscation passed by the Collector under section 6A(1) and section 6A(2) of the Act. Thus, an order passed under section 6A(2) of the Act does not attract section 6C and hence no appeal lies. Section 6C is clear in its words that an appeal is provided only for orders issued for confiscation under section 6A(1) of the Act; State of U.P . v. Ram Avtar Jaiswal , 1983 All LJThe expression, for any reason' used in section 6C (2) of the Act should be understood in broader and larger sense as it appears from the context in which it has been used; N. Nagendra Rao & Co. v. State of Andhra Pradesh , AIR 1994 SC 2663.""-