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**GOVERNMENT OF THE PUNJAB  
LAW AND PARLIAMENTARY AFFAIRS DEPARTMENT**

**NOTIFICATION  
(48 of 2017)**

**15 March 2017**

The following Notification No. DG(PFA)/Admin/828, dated 13.03.2017 issued under section 57(2)(I) read with sections 8 (A) (4), 20 (2) and 39 (2) of the Punjab Food Authority Act, 2011 (XVI of 2011) for the Punjab Food Authority (Appeals) Regulations, 2017 is published for general information:

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**DR SYED ABUL HASSAN NAJMEE**  
Secretary  
Government of the Punjab  
Law and Parliamentary Affairs  
Department

GOVERNMENT OF THE PUNJAB/028  
PUNJAB FOOD AUTHORITY  
Dated: 13th March, 2017

**NOTIFICATION**

**No. DG(PFA)/ADMIN/028.** In exercise of the powers conferred under section 57(2)(i) read with sections 8 (A) (4), 20 (2) and 39 (2) of Punjab Food Authority, 2011(XVI of 2011), the Food Authority is pleased to frame the following regulations, namely:-

**The Punjab Food Authority (appeals) Regulations, 2017.**

**1. Short title and commencement.-** (1) These regulations may be called as The Punjab Food Authority (appeals) Regulations, 2017.

(2) These shall come into force at once.

**2. Definitions.-** (1) In these regulations, unless there is anything repugnant in the subject or context,-

(a) "**Act**" means the Punjab Food Authority Act, 2011 (Act XVI of 2011);

(b) "**Appeal**" means appeal preferred under sections 8(A)(4), 20(2) or 39 (2) of the Act.

(c) "**Appellant**" means any person who prefers an appeal before the Appellate Authority;

(d) "**Appellate Authority**" means Authority established/appointed or nominated by the Government/Chairperson of the Food Authority;

(e) "**Authorized Representative**" means a person who is authorized to file appeal, appear, plead and act on or behalf of the appellant before the Appellate Authority;

(f) "**Chairperson**" means the Chairperson of the Food Authority;

(g) "**Director General**" means Director General of the Food Authority;

(h) "**Food Authority**" means the Punjab Food Authority established under the Act;

(i) "**Form**" means form appended to these regulations;

(j) "**Order/Decision**" means and includes order passed by the Director General under section 20 & 39 of the Act and decision means and includes decision taken by the Director General under section 8(A) of the Act;

(k) "**Secretary**" means in relation to the Appellate Authority, any officer of the Food Authority who is appointed/ nominated to perform assistance to Appellate Authority for carrying out the proceedings under these.

(l) Words and expressions used and not specifically defined herein, but defined in the Act, shall have the meaning assigned to them in the Act.

**3. Filing of appeal.**- (1) Any person aggrieved by any Order passed or Decision taken by the Director General Food Authority under sections 20 (2), 39(2) and 8 (A) of the Act, may file an appeal before the Appellate Authority established under these regulations.

(2) No appeal under these regulations shall be entertained against any order passed or decision taken with the consent of the parties i.e (Appellant & Director General) or against any interim order or decision.

**4. Limitation.**-(1) Every appeal under these regulations shall be entertained, if, appeal is filed within a period of fifteen 15 days from the date of receipt of copy of the Order passed and within sixty 60 days from the date of receipt of copy of the Decision taken against which the appeal is preferred under the Act.

Provided that the Appellate Authority may, upon an application filed in this behalf, entertain an appeal after the expiry of the period as prescribed in sub regulation (1), if Appellate Authority is satisfied that there were sufficient grounds/cause for not filing it within prescribed the period.

(2) Subject to anything contrary on the record, the copy of the Order or Decision against which an appeal is filed shall be presumed to have been received by the appellant/authorized representative if;

(a) sent by courier, three days following the day it is dispatched by the receipt and issue department of the Authority;

(b) sent by registered post, seven days following the date it is mailed by the receipt and issue department of the Authority; and

(c) sent by hand delivery; on production of the receipt showing the date it is served on the appellant.

**5. Form and procedure of appeal.**(1) A memorandum of appeal shall be presented/sent, as per Forms prescribed in the Schedule attached to these regulations, by registered post or through a recognized courier addressed to the Assistant of the Appellate Authority.

(2) Every appeal shall be supported with a duly verified affidavit signed by the appellant(s).

(3) A memorandum of appeal sent by post shall be deemed to have been presented to the Appellate Authority on the day it is received by the Assistant.

**6. Appeal to be in writing.**(1) Every appeal, application, reply, representation or any document filed before the Appellate Authority shall be type written neatly on one side of good quality paper of legal size in double space and all sheets shall be stitched together and every page shall be consecutively numbered.

(2) The appeal under sub-regulation (1) shall be presented in four sets in a paper-book.

**7. Contents of memorandum of appeal.** Every memorandum of appeal filed shall set forth concisely under distinct heads, the grounds of such appeal numbered consecutively and shall contain no intemperate or improper language.

**8. Other documents to accompany memorandum of appeal.**(1) Apart from other documents, every memorandum of appeal shall be accompanied by a certified/duly verified copy of the order appealed against.

(2) Where an appellant is represented by an authorized representative, pleader or advocate, the written authorization in his favour signed by the appellant shall be appended to the appeal.

**9. Fee.**(1) Every memorandum of appeal shall be accompanied with a fee of five thousand rupees Rs. 5000/- in the form of Bank Draft in favour of Food Authority. In case there is no fee attached or deposited, the appeal shall not be entertained until fee paid.

**10. Presentation and scrutiny of memorandum of appeal by the Assistant.**-(1) The Assistant shall endorse on every appeal the date on which he has received the appeal under regulation 5, or deemed to have been presented under that regulation, and shall sign an endorsement to that effect.

(2) If, on scrutiny, the appeal is found to be in order by the Assistant, it shall be duly registered and given a serial number.

(3) If an appeal on scrutiny is found to be defective by the Assistant and the defect noticed is of formal nature, the Assistant may allow the appellant to rectify the same in his presence and if the said defect is not of formal nature, the Assistant may allow the appellant such time to

rectify the defect as he may deem fit. If the appeal has been sent by post and found to be defective, the Assistant may communicate the defects to the appellant and allow the appellant such time to rectify the defect as he may deem fit.

(4) If the appellant fails to rectify the defect within the time allowed in sub-regulation (3), the Assistant shall place the appeal before the Appellate Authority for a decision in this regard and the Appellate Authority may either provide another opportunity of rectification or may reject the appeal.

**11. Adjournments.** (1) If on the day fixed or any other day to which the hearing may be adjourned the appellant or authorized representative does not appear when the appeal is called on for hearing, the Appellate Authority may make an order that the appeal be dismissed for non-prosecution:

Provided that the Appellate Authority may, upon an application submitted by the appellant giving sufficient cause for his non-appearance, make an order for restoration of appeal on payment of such costs as it may, in the circumstances of the case, deem necessary.

(2) The dismissal of an appeal under sub-regulation (1) shall be communicated to the appellant,

(3) The appellant or respondent seeking adjournment for a fixed date of hearing shall be required to give reasons along with evidence of his non-appearance or his authorized representative before the Appellate Authority.

**12. Notice of appeal to all concerned.** Where the appeal complete in all respects and is not rejected under regulation 10(4), a copy of the memorandum of appeal and paper-book shall be served by the Assistant on the respondent/necessary party by hand delivery, or by registered post or by courier as the case may be.

**13. Filing of reply to the appeal and other documents by the respondent.** (1) The respondent/necessary party may file written reply of the memorandum of appeal within a period of 30 days of receipt of notice.

(2) Every reply, application or written representation filed before the Appellate Authority shall be verified in the manner provided for in the form.

(3) A copy of every application, reply, document or written material filed by the respondent/ necessary party before the Appellate Authority shall be forthwith served on the appellant by the respondent.

(4) The Appellate Authority may, in its discretion, on application by the respondent/ necessary party, allow the filing of reply referred to in sub-regulation (1) after the expiry of the period originally allowed.

**14. Date of hearing to be notified.** The Assistant shall notify the date, time and venue of hearing of the appeal to all the parties in such manner as the Appellate Authority may, by general or special order, direct.

**15. Hearing of appeal and decision of appeal.** (1) On the day fixed for hearing, or on any other day to which the hearing may be adjourned, the appellant shall be heard personally, or through his authorized representative, in support of the appeal. The Appellate Authority shall then hear the respondent or his authorized representative against the appeal and in such a case the appellant shall be entitled to reply.

(2) All parties appearing before the Appellate Authority may be required to submit a summary of their arguments in writing at the conclusion of the hearing provided that the Appellate Authority shall not be bound to entertain such arguments which are included in the summary but not pressed before the Appellate Authority during the course of hearing.

(3) An appeal shall as far as possible be decided within ninety days of its filing.

(4) The hearing of appeals under these regulations shall not be public proceedings, provided that any person not being a party to the proceeding before the Appellate Authority may attend such proceedings with the prior approval of the Appellate Authority.

(5) The Appellate Authority in appeal may, *inter alia*, confirm, remand, set aside or cancel the order appealed against or enhance or reduce the penalty or make such other order as it may deem just and equitable in the circumstances of a case.

**16. Facts to be proved by affidavit.** The Appellate Authority may, at any time, for sufficient reasons; order that any particular fact or facts may be proved by affidavit or that the affidavit of any witness may be read at the hearing, on such conditions as it may deem appropriate.

**17. Order to be signed and dated.** (1) Every order of the Appellate Authority shall be signed and dated by the Appellate Authority and the Appellate Authority may, subject to recording of reasons in writing, pass interim orders or injunctions in the interest of justice.

(2) The order shall be pronounced in the sitting of the Appellate Authority or at any time as the appellate authority may deem fit.

**18. Communication of orders.** A copy of the duly signed order passed by the Appellate Authority shall be communicated to all the parties within due course of time preferably within seven days from passing of such order.



**DIRECTOR GENERAL**  
**Punjab Food Authority**

**SCHEDULE I**

[See regulation 5(1)]

**Form-A**

Form-A shall be appended to the appeal by the Appellant giving the following particulars:

- (1) Title: A.B.----- Appellant **versus** C.D.-----and others Respondent(s)
  - (2) Particulars of the appellant:
    - (a) Name of the appellant;
    - (b) In case of a company, address of registered office, in other cases mailing address for service of all notices;
    - (c) Telephone/Fax number and E-mail address, - if any.
  - (3) Particulars of the respondent(s):
    - (a) Name of the respondent(s)
    - (b) In case of a company address of registered office in other cases mailing address for service of all notices;
    - (c) Telephone/Fax number and E-mail address, if any.
- Signatures of the Appellant or his authorized representative  
(Name in Block Letters)

**Form-B**

- (For use in the appellate authority's office)
- (a) Date of presentation before the secretary
  - (b) Date of receipt by post
  - (c) Registration number
  - (d) Signature of the Registrar

**Form-C**

**BEFORE THE APPELLATE AUTHORITY, PUNJAB FOOD AUTHORITY, LAHORE.**

A.B.----- Appellant(s)  
versus  
C.D.----- and other Respondent(s)

**Appeal under sections 8(A), 20(2) or 39(2) of the Punjab Food Authority Act, 2011.**

1. Facts of the case and the details of the orders against which appeal is preferred: The facts of the case are given below:



(give a concise statement of facts and grounds of appeal against the specific order in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

2.Relevant provisions of law. (Reference must be made to all the relevant provisions invoked and to be relied upon in the appeal).

3.Legal grounds. (Give all the legal grounds with reference to the law they are based upon).

4.Interim order, if prayed for. (Give here the nature of the interim order prayed for and reference to the application No. attached with the appeal in this regard).

5.Limitation. The appellant declares that the appeal is within the limitation period as prescribed in section 8(A)(4), 20(2) or 39(2) of the PFA Act, 2011.

6.Relief sought. In view of the facts mentioned in above paras, the appellant prays for the following relief:(Specify the relief(s) sought, explain the grounds for relief(s) and the legal provisions, if any, relied upon).

7. Matter not pending with any other court etc. The appellant further declares that the matter regarding which this appeal has been made is not pending before any court of law or any other authority or any other Tribunal.

8. Details of index. An index containing the detail of documents to be relied upon in the appeal

9. List of enclosures

10. Copy of Bank Draft Bank draft for payment of appeal filing fee is to be attached. Signature of the appellant/authorized representative

#### VERIFICATION

I, (Name in full and block letters) son/daughter/wife of being the appellant/authorized representative of ( ) do hereby solemnly declare that the foregoing constitutes full, true and plain disclosure of all material facts and nothing has been concealed, and that the contents of paras 1-10 are true to my personal knowledge and belief. Verified today this day of.....

Signature of the appellant/authorized representative.

Place:

Date: