



**GOVERNMENT OF KHYBER PAKHTUNKHWA
FOOD SAFETY AND HALAL FOOD AUTHORITY**

Dated: 8/11/2017

NOTIFICATION

No. DG(KP FS&HFA)/ADMIN/05-2017 In exercise of the powers conferred by section 51 of the Khyber Pakhtunkhwa Food Safety and Halal Food Authority Act, 2014 (KP Act No. X of 2014), read with sub-section (5) of section 15 and sub-section (2) of section 16 thereof, the Khyber Pakhtunkhwa Food Safety and Halal Food Authority is pleased to make the following regulations, namely:-

The Khyber Pakhtunkhwa Food Safety and Halal Food Authority (Appeal) Regulations, 2017.

1. Short title and commencement.-(1) These regulations may be called as The Khyber Pakhtunkhwa Food Safety and Halal Food Authority (Appeal) 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 Khyber Pakhtunkhwa Food Safety and Halal Food Authority Act, 2014(KP Act No.X of 2014);
- (b) "appeal" means memorandum of an appeal preferred under sub-sections 5 of section 15 or sub-section (2) of section 16 of the Act, as the case may be.
- (c) "appellant" means any person who prefers an appeal before the Appellate Authority;
- (d) "appellate authority" means the Chief Secretary to the Government;
- (e) "authorized representative" means a person who is authorized to file an appeal, appear, plead and act on or behalf of the appellant before the appellate authority;

(f) " **form**" means form appended to these regulations; and

(g) "**order**" including any order passed by an appellate authority whether interim or final or, as the case may be, an order passed by the Authority under sub-section (4) of section 15 or under sub-section (2) of 16 of the Act;

(2) The words and phrases used but not defined herein, shall have the same meaning as have been assigned to it in the Act.

3. **Delivery of an order.**- Every order passed by an Authority under sub-section (4) of section 15 or under sub-section (2) of 16 of the Act shall be in writing, signed and sealed by the signatory and delivered or cause to be delivered to the person ordered against or his authorized representative if he stand nominated for the purpose and it shall be deemed to have been delivered if an order is sent by-

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

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

(c) by hand delivery; on production of the receipt showing the date it is served on the appellant or his authorized representative.

4. **Filing of an appeal.**- (1) Subject to these regulations, any person aggrieved by an order passed by the Authority under sub-section (4) of section 15 or under sub-section (2) of 16 of the Act may prefer an appeal before the appellate authority in the form set forth and appended to these regulations, unless condoned, within fifteen days of the receipt of such order and accompanied by a fee specified under sub-regulation (3).

(2) Every memorandum of appeal shall be accompanied either by an order appealed against or certified copy thereof supported by such documents immediately connected therewith or having relevance thereto or may be relied upon based on any particular or general principles and proceeds remaining unattended.

No appeal under these regulations shall be entertained if it contains intemperate or improper language against an interim order passed by the Authority or an interim or final order passed by the appellate authority.

(3) Every memorandum of appeal shall be accompanied by an affidavit and a fee of-

- (a) Rs.1000.00 (Rupees One Thousand) in case of refusal to issue a license;
and
- (b) Rs. 5000.00 (Rupees Five Thousand) in case of cancellation of a license:

Provided that an appeal shall not be entertained until fee is paid in the Authority's Fund.

(4) Every memorandum of an appeal shall be accompanied by such number of legible copies thereof forming part of paper books depending upon the number of respondents including two such sets exclusively meant for the use by the appellate authority.

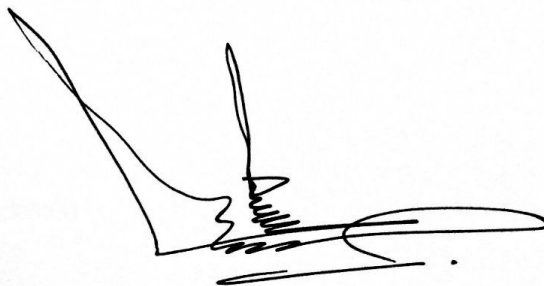
5. Hearing of an appeal.- (1) Where a memorandum of appeal is delivered in the manner specified in regulation 3 and so acknowledged by an office of an appellate authority, the same shall be scrutinized and date fixed for hearing by issuing notice thereto in the like manner, otherwise, any deficiency shall be cause to be removed within such time allowed for the purpose failing which it shall dismissed.

(2) Where memorandum of an appeal is found in order, the respondent may be required to file written statement supported within a specified time, whereupon, the appellate authority may conduct the fact and shall pass an interim order inviting objections, if any.

(3) Unless any further process is called for, the appellate authority shall, in writing, pass a final order determining all the issues which shall be binding upon the parties and no appeal, review or revision shall lie there against.

(4) An order finally 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 and delivered in the like manner as specified under regulation 3.

6. Contravention of final order of appellate authority.- Any party contravening the final order of the appellate authority shall be liable to summary proceedings and punishable therewith under section 37 of the Act.



DIRECTOR GENERAL

KHYBER PAKHTUNKHWA

FOOD SAFETY AND HALAL 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 Chief Secretary

(b) Date of receipt by post

(c) Registration number

(d) Signature of the Registrar

Form-C

**BEFORE THE APPELLATE AUTHORITY, KHYBER PAKHTUNKHA FOOD SAFETY
AND HALAL FOOD AUTHORITY.**

A.B. Appellant(s)

Versus

C.D. and other Respondent(s)

Appeal under sections 15(4) and 16(2) of the Food Safety and Halal Food Authority Act, 2014.

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 15(4) and (2) of the KPFS&HFA Act, 2014.

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 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: