



GOVERNMENT OF BALOCHISTAN
Balochistan Food Authority

Dated Quetta, the 27th April, 2022

NOTIFICATION

No. BFA HQ/Legal/ Oper: Rules /2022/ 17. In exercise of the powers conferred by section 56 of the Balochistan Food Authority Act, 2014 (Act No. VI of 2014), the Balochistan Food Authority, with the approval of Government of Balochistan, is pleased to make the following rules, namely:-

1. **Short title and commencement.**- (1) These rules may be called as "The Balochistan Food Authority (Appeal) Rules, 2022".

(2) They shall come into force at once.

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

(a) "Act" means the Balochistan Food Authority Act, 2014 (Act No. VI of 2014);

(b) "Appeal" means memorandum of an appeal preferred under Section 20 sub-section (2) read with Section 39 sub sections (2) & (3) 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 authority of the Balochistan Food Authority appointed by the Government under section 39 (2) of the Act;

(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 rules; 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 (1) of Section 20 or under sub-section (2) of Section 39 of the Act.

(2) The words and expressions used but not defined herein above sub-rule (1), unless the context otherwise requires, shall have the same meaning as assigned to them in the Act.

Operator has not obtained license he shall

3. **Delivery of an order.-** Every order passed by an Authority under sub-section (1) of Section 20 or under sub-section (2) of Section 39 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 stands, 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 rules, any person aggrieved by an order passed by the Authority under section 20 sub-section (1) and section 39 sub-section (2) of the Act may prefer an appeal before the appellate authority in the form set forth in the schedule and appended to these rules, unless condoned, within fifteen days of the receipt of such order and accompanied by a fee specified under sub-rule (4).

(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.

(3) No appeal under these rules 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.

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

- (a) Rs.1,000.00 (Rupees one thousand) in case of refusal to issue a license; and
- (b) Rs.5,000.00 (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.

(5) 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 rule 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 cause to be removed within such time allowed for the purpose failing which it shall be 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 rule 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 43 of the Act.

BY ORDER OF
GOVERNOR BALOCHISTAN

CHIEF SECRETARY
BALOCHISTAN

The Chief Controller,
Printing & Stationery Department,
Balochistan, Quetta, for publication and
provision of 25 copies of the Gazette Notifications.

No.

Even

Dated

Even

A copy is forwarded to for information to :-

1. The Secretary to Government of Balochistan , Food Department, Quetta
2. The Secretary to Government of Balochistan , Law and Parliamentary Affairs Department, Quetta.
3. All Members of Balochistan Food Authority.
4. The Additional Secretary (Staff) to Chief Secretary, Balochistan, Quetta.
5. The Private Secretary to Minister for Food / Chairman BFA.

(Muhammad Nadeem Bazai)
Director General

SCHEDULE - I

(See Rule 4)

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:

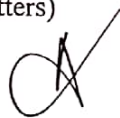
- (a) Name of the appellant;
- (b) In case of a company, address of registered office, in other cases mailing address for service of all notices;
- (c) Telephone/Fax number and E-mail address,- if any.

(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 Appellate Authority
- (b) Date of receipt by post
- (c) Registration number
- (d) Signature of the Registrar

BEFORE THE APPELLATE AUTHORITY, BALOCHISTAN FOOD AUTHORITY.

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

Appeal under sections 20 (2) and 39 (2) of the Balochistan 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 number attached with the appeal in this regard).

5. Limitation. The appellant declares that the appeal is within the limitation period as prescribed in section 20 (2) and 39 (2) of Balochistan Food Authority Act, 2014 and as prescribed in rule 4 of these rules.

6. Relief sought. In view of the facts mentioned in above para's, 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. 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: Quetta

Date: 27th April, 2022.



(Muhammad Naeem Bazai)
Director General
Balochistan Food Authority