



IN THE COURT OF SH. M.K DWIVEDI , ADJUDICATING OFFICER/
ADDITIONAL DISTRICT MAGISTRATE
(SOUTH-EAST)

GOVT. OF NCT OF DELHI, OLD GARGI COLLEGE BUILDING LAJPAT NAGAR-
IV NEW DELHI-110024

No. 37/F.S.Cases/ADM/SE/2015/2008-10

Dated: 26/5/2016

IN THE MATTER OF :

FOOD SAFETY OFFICER
DEPARTMENT OF FOOD SAFETY,
Govt. of NCT of Delhi, 8th floor
Mayur Bhawan, Shankar Market
Connaught Place, New Delhi

..... Complainant

V/s

1. Sh. Ashok Kumar S/o Sh. Ram Kumar M/s Pooja Store,
261/19, Tughlakabad Extn., New Delhi-110019.
2. Sh. Rajesh Kumar Garg S/o Sh. Dal Chand Garg
RZ 520/20&23 Tughlakabad New Delhi

ORDER

(Under Rule 3.1.1.(3) of Food Safety & Standards Rules, 2011)

An application under Rules 3.1.1. (3) of FSS Rules, 2011 was filed in this court by the Food Safety Officer, Sh. Bal Mukund for adjudication of the offence for violation of Regulation No. 2.2.2.8, and 2.2.2.10 of the Food Safety & Standard (Packaging & Labelling) Regulation, 2011, which is punishable under Section 52 of the Food Safety and Standard Act, 2006.

In this application, it was alleged that on 09.11.2015 the Food Safety Officer (Sh. Bal Mukund) purchased a sample of "Soan Papadi" an article of food for analysis from Sh. Ashok Kumar S/o sh. Ram Kumar M/s Pooja Store 26/19 Tkd Extn. New Delh where the said food article was found storing for sale for human consumption at the time of taking sample. The sample was taken as per the direction of the Designated Officer Sh. Suniti Kumar Gupta. The sample of Soan Papdi consisted of 4 x 800 grams sealed plastic packet.

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16/6/2016



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The each sample counter part was separately packed, fastened up and sealed according to FSS Act/Rules and regulations . Designated Officer's (DO) slip bearing the code number , signature and official stamp of the DO was Affixed on each sample counter part. A label was also pasted on each of the four sample counter parts and the FBO has signed all the four labels affixed on each of the sample counter parts that the signature of the FBO was also obtained on the DO slip in such a manner as it partly appeared on the slip and partly on the wrapper of the four sample counter parts.

On 10/11/2015 one counter part of the sample was sent to the Food Analysis , Delhi bearing D.O Code Number 10/DO-12/8367 The food business operator did not request to send the fourth counterpart for analysis from NABL accredited laboratory. The remaining two counterpart in a separate sealed packet deposited with Designated Officer , sh. Sunil Kumar Gupta.

During the hearing. Sh. Bal Mukund . FSO present for petitioner. Sh. Ashok Kumar and Sh. Rajesh Kumar present for respondents. The respondents admitted all the charges leveled on them and said that they will be more careful in future. They further requested for minimum penalty.

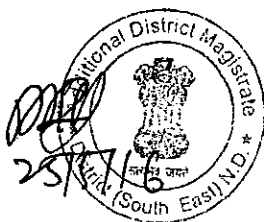
From the above said facts and circumstances and documents placed on records, it is proved that respondents – Sh. Ashok kumar and Sh. Rajesh kumar . has committed offence. Respondents are liable to penalty of fine under Section 52 of the Food Safety & Standard Act, 2006.

Also while deciding the matter Analyst Report is perused which reveals that the accused persons have violated the provisions of Section 23(1),26(1),26(2)(ii),27(2)(C)(d)and 27(3)(C)(d) read with section 3(1)(Zf(A)(iii) &3(1)(zf(C)(i) and also violated provision of Regulation No. 2.2.2.8 and 2.2.2.10 of Food Safety & Standard (Packaging & Labelling) Regulation , 2011 which is punishable under Section 52 of FSS Act, 2006.

On 23.5.2016 the case called and Sh. Ashok kumar and Sh. Rajesh Kumar is present and accepted the charges made by Food Safety Officer and requested for minimum penalty .

ORDER:-

After taking into consideration of all the facts and circumstances of the case and material or record, I find it is a fit case to impose penalty in terms of Rule 52 of food safety and standards Act, 2006 and, therefore. impose penalty of Rs. Forty thousand only. /-



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(Rs. 40,000 only) which shall be paid 20,000 by each respondent. The minimum penalty imposed on respondents as the respondent himself plead guilty and first time offender. The respondents have small establishments . The Respondents shall deposit the said penalty in this court in the form of a Crossed Demand Draft on National Bank in favour of "Adjudicating Officer, District South-East" payable at Delhi within two weeks of receipt of this order.

In terms of provision of Rule 3.1.2 (5) of Food Safety and Standards Rule, 2011 one copy of this order is served to Respondents and Food Safety Officer.

Pronounced in open court given under my hand and the seal of the seal of this court on day 25.5. 2015.

Adjudicating Officer/ADM (South-East)



Copy to

1. FOOD SAFETY OFFICER, DEPARTMENT OF FOOD SAFETY, Govt. of NCT of Delhi, 8th floor, Mayur Bhawan, Shankar Market, Connaught Place, New Delhi.
2. Ashok Kumar S/o Sh. Ram Kumar M/s Pooja Store, 261/19, Tughlakabad Extn., New Delhi-110019.
3. Sh. Rajesh Kumar Garg S/o Sh. Dal Chand Garg RZ520/20&23 Tughlakabad New Delhi