



**IN THE COURT OF ADJUDICATING OFFICER
/ADDITIONAL DISTRICT MAGISTRATE
(SOUTH-EAST)
Old Gargi Collage Building Lajpat Nagar -IV New Delhi 24
(BEHIND LSR COLLEGE)**



No.48/ADM (SE)/FS Cases/2016/1126 -1128

Dated: 29/11/17

As per order: - ADM (South-East)/Adjudicating Officer

IN THE MATTER OF: Food Safety Officer Applicant/Complainant

V/s

Sh. Sayed Najmuddin
& Sh. K.M. Musthfa

... FBO

... Licensee

ORDER

1. An application came up before this court under section 51 of The Food Safety and Standards Act, 2006 on 16.01.2017 by Food Safety Officer, Northern Railway represented by one Sh. Khem Singh, Food Safety Officer, as directed by Sh. Yashpal Singh, Designated officer, in exercise of power vested in him vide section 36(3)(e) of the Food Safety and Standards Act, 2006 for adjudication of the offence/contravention committed by:
 - i. Sh. Sayed Najmuddin S/o Sh. Sayed Khudhbuddin (Pantry Car Manager), R/o Door No. 396, Ealhi Masjid Road Bangerped, Kolar (Karnataka)- 563114.
 - ii. Sh. K.M Musthfa (Licensee) R/o 676/1 EMM Street Pariya Thottam, Channaimalai Road, Opposite Diesel Stand, Erode- 638001.
2. Sh. Khem Singh, Food Safety Officer, on behalf of the applicant and Sh. Sayed Najmuddin in person as Respondent No. 1 and Sh. K.S. Sainudheen, Authorised Representative on behalf of the respondent no. 2 were present.
3. The applicant in the aforesaid application contended the following:
 - i. That on 16.07.2016, the FSO bought a sample of 2Kg Loose Paneer from Sayed Najmuddin, the pantry car manager, between railway station New Delhi Railway Station and Tughlakabad Railway station

/s/



A/C

of Pantry Car No. 93806. The same Loose Paneer is being used by the manager in various food items like Bread Pakora, Paneer Pakora etc.

- ii. The sample was divided into four equal parts, fastened and sealed according to rules and regulations of the aforesaid act and signed of the FBO was taken as required and Designated Officer code slip bearing no. 1680 was pasted on all.
 - iii. One of the counterpart of the sample was sent to food analysis which was submitted on 18.07.2017 and the rest counterparts were deposited in sealed packet with the Designated officer.
 - iv. Vide Food Analyst Delhi report No. NR 56/2016 dated 21.07.2016 the food sample was found to be Substandard as there was violation of regulation no. 2.1.5(ii) of the Food Products Standards & Food Additives Regulations 2011. It has been declared substandard under section 3(1)(zx) of the FSS Act, rules and regulations, 2011.
 - v. An opportunity was given to the respondents to file an appeal under section 46 (4) of the said act against the aforesaid report by the Designated Officer but no concerned person turned up for the same.
4. After going through documents, it is evident from letter dated 17.07.2016 of designated officer, (permission for presenting case), it has been confirmed that the respondents are responsible for day to day activities and have also violated regulations No. 2.2.10 of packaging and labeling regulation of said act has been declared Mis branded under section 3(1)(2f) read with section 52 of pass act, Rules and Regulation.
5. This court after listening to the arguments of both the parties held that the respondent through their arguments were unable to satisfy the court and thus in view of the facts and circumstances involved in aforementioned cases and rival contentions of the parties, following common proposition arises that the respondents as mentioned above have violated the provisions of:
- i. Regulation no. 2.1.5(ii) Food Products Standards & Food Additives Regulations 2011. It has been declared Substandard under section 3(1)(zx) of the FSS Act, rules and regulations, 2011 and punishable under Section 51 of the said Act.




- ii. Regulation No. 2.2.2.10 of FDS Act. (Packaging and Labelling), Regulation 2011. This has decided Mis branded U/s 3(1) (2F) read with section 26(2) (ii) and 27(2) (C) punishable U/s 52 of said Act.

6. Penalties for the violation of above mention section of Rs. 10000 and Rs. 30000 respectively under Section 51 & Section 52.

Thus a total penalty of Rs. 40000/- (Fourty Thousand only) is to be levied on the Respondent Licensee and for violating the abovementioned offences.

7. The Respondents shall deposite the said penalty in this court in the form of 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.

8. 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.

The court hereby disposes of this application.



(Rajeev Singh)
27/11/17

Adjudicating Officer/ADM (South-East)

Copy to :-

1. Food Safety Officer Northern Railway (Sh. Khem Singh), O/o Food Safety Cell, Room No. 616, 2nd Floor, Ajmeri Gate Side, N. Rly. Station, New Delhi - 110002.
.....Applicant / Complaint
2. Sh. Sayed Najmuddin, S/o Sh. Syad Khudhbuddin, R/o Door No. 396, Ealthi Masjid Road, Road Bangarped, Kolar, Karnatka - 563114.
..... Pantry Car Mang./FBO
3. Sh. K.M. Musthfa (Licensee), R/o 676/1, EMM Street Pariya Thottam, Channaimalali road, Opposite Diesel Shed, Erode - 638001
..... Licensee



(Rajeev Singh)
Adjudicating Officer/ADM (South-East)