



IN THE COURT OF SH. AJAY KUMAR, ADJUDICATING
OFFICER/ADDITIONAL DISTRICT MAGISTRATE
(SOUTH-EAST)

GOVT. OF NCT OF DELHI, M.B. ROAD, SAKET, NEW DELHI-68



IN THE MATTER OF : ADM(Se)/FS/03/2013/68-70

1. FOOD SAFETY OFFICER
DEPARTMENT OF FOOD SAFETY,
Govt. of NCT of Delhi,
A-20, Lawrence Road Indl. Area,
Delhi-110035. Applicant

V/s
1. Sh. Lokesh Kumar, S/o Sh. Om Prakash
M/s Pachauri Paneer.
Shop No.28, Sewa Nagar. Subzi Mandi.
New Delhi-110003.

R/o 88, Prem Gali-3, Kotla Mubarakpur,
New Delhi-110003.FBO cum Proprietor

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. B.P. Saroha for adjudication of the offence for violation of Section 26(2)(ii) of the Food Safety and Standards Act, 2006 read with Section 3(22)(vii) of the said Act which is punishable under section 51 of the Food Safety and Standards Act, 2006.

In this application, it was alleged that a sample of Paneer(ready for sale) was taken by the Food Safety Officer, Sh. B.P. Saroha from Sh. Lokesh Kumar from M/s Pachauri Paneer Shop No.28. Sewa Nagar Subzi Mandi. New Delhi-3 on 9.11.2012 at 4.00 pm for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations.

The Food Analyst analyzed the sample and reported vide his report No.FSS/1442/2012 dated 22.11.2012 that **"the sample is substandard because milk fat of dried matter is less than the prescribed minimum limit of 50%.**

On receipt of application from the Food Safety Officer, it was inferred that an inquiry was necessary to look into the charges leveled against the Food Business Operator. So the Food Business Operator was served notice under Rule 3.1.1.(2) of Food Safety & Standards Rules, 2011 alongwith copy of the Report of Food Analyst for giving an opportunity to make a representation in this matter.

During the enquiry, the Food Business Operator/Respondent was explained the nature of offence alleged to have been committed by him. The respondent submitted that he is a petty shopkeeper and sells vegetable and paneer of around Rs.1000/- daily. The respondent has submitted written statement in the matter. The respondent pleaded guilty during the enquiry and assured that no such offence would be repeated in future.

From the above said facts and circumstances and documents placed on records, it is proved that the Food Business operator/Respondent has committed offence. Respondent accepted the charges levied on him by the Applicant/Food Safety Officer. As such the Respondent / Food Business Operator is liable to penalty of fine under Section 51 of the Food Safety & Standard Act, 2006.

While adjudging the quantum of penalty due regard u/s 49 of Food Safety and Standard Act, 2006 of the following have been taken :


1. The amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention.
2. The amount of the loss caused or likely to cause to any person as a result of the contravention.
3. The repetitive nature of the contravention.
4. Whether the contravention is without his knowledge.

Also while deciding the matter Analyst Report is perused which reveals that the sample (Paneer) is substandard because milk fat of dried matter is less than the prescribed minimum limit of 50%.

ORDER:-

1. After taking into consideration of all the facts and circumstances of the case and material on record, I find it is a fit case to impose penalty in terms of Rule 3.1.2(1) of food safety and standards Rules, 2011 and, therefore, impose penalty of Rs.31,000/- (Rs. Thirty One Thousand only) which shall be paid by respondent 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 10 days or receipt of this order.
2. 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 FBO and Food Safety Officer.

Pronounced in open court given under my hand and the seal of the seal of this court on day 08th April, 2013.


(Ajay Kumar)
Adjudicating Officer/ADM (South-East) 13/4/13