



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.36/ADM (SE)/FS Cases/2016/1161-1164

Dated: 05/12/17

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

IN THE MATTER OF:

Food Safety Officer Applicant/complainant
V/s
Smt. Shivani Agarwal ...FBO

ORDER

1. An application came up before this court under Rule 3.1.1(3) of Food Safety and Standards Act, 2006 and food safety standard Rule - 2011 on 23.03.2016 by Food Safety Officer by Department of food Safety, Govt. of NCT of Delh, Sh. A.k. Singh, Food Safety Officer, as directed by Sh. Virendra 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 Smt. Shivani Aggarwal W/o Sh. Mukesh Aggarwal of M/s Sai Sweets, Shop No.- T-56, Thekhand Main Market, (opposite D-1 Factory Okhla Phase-I), New Delhi-110020.
2. The applicant in the aforesaid application contended the following:
 - i. That on 26.11.2015, the FSO bought a sample of 2Kg. Kala Kand from the Respondent where the said food article was found stored in an open steel tray for sale and human consumption.



(Handwritten signature)

- ii. The sample was divided into four equal parts, fastened and sealed according to rules and regulations of the aforesaid act and signed by the FBO and sample was taken as required and Designated Officer code slip was pasted on all.
- iii. One of the counter part of the sample was sent to food analysis which was submitted on 27.11.2015 and the rest counterparts were deposited in sealed packet with the Designated officer.
- iv. Vide Food Analyst Delhi report No. FSS/1213/2015 dated 07.12.2015 the food sample was found to be containing extraneous matter viz added vegetable oil in violation of Section 26(2)(ii) read with the definition of extraneous matter as defined under section 3(1)(i) of the FSS Act, 2006 further the sample did not contain suji as claimed, as it failed the starch test.
- 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.
- vi. After going through the documents it has been confirmed that the respondents are responsible for day to day activities and have also violated provisions of section 26(1), 26(2)(ii) and 27(1) of the FSS Act, 2006 read with section 3(1)(i) of the FSS Act. 2006, which is punishable under section 54 of the FSS Act. 2006 and she has also violated the provisions of section 24(2)(a) of the aforesaid act read with section 26(2)(v) of the FSS Act which is punishable under section 58 of the Act.



3. The respondent has herself accepted the guilt in the court and therefore be liable violating the following:

- i. provisions of section 26(1), 26(2)(ii) and 27(1) of the FSS Act, 2006 read with section 3(1)(i) of the FSS act, 2006, which is punishable under section 54 of the FSS Act, 2006 and
- ii. Provisions of section 24(2)(a) of the aforesaid act read with section 26(2)(v) of the FSS Act which is punishable under section 58 of the Act.

4. Penalties for the violation are as follows:

- i. Penalty under Section 54 for containing extraneous matter of Rs. 10,000/-
- ii. Penalty under Section 58 for failing Starch Test (as it determined that the sample did not contain any suji, as claimed) is of Rs. 20,000/-

Thus a total penalty of Rs. 30,000/- (Thirty Thousand Rupees) is to be levied on the Respondent and for violating the above mentioned offences.

5. The Respondents shall deposit 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 Three weeks of receipt of this order.
6. In terms of provision of Rule 3.1.2(5) of food Safety and Standards rule, 2011 on copy of this order is served to respondents and food Safety Officer.
7. The Court hereby disposes of this application.



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

Copy to:-

1. Food Safety Officer (Sh. A.K. Singh), Department of food Safety, Govt. of NCT of Delhi,
8th Floor, Mayur Bhawan, Connaught Place, New Delhi -01
.....Applicant / Complaint
2. Smt. Shivani Aggarwal W/o Sh. Mukesh Aggarwal, M/s Sai Sweets, Shop No. T-56,
Tekhand Main Market (Opposite D-1 Factory Okhla Phase-4) New Delhi - 110020
... .. FBO
3. Smt. Shivanit Aggarwal W/o Mukesh Aggarwal, R/o 268 -A Churiya Mohalla, Tekhand
Village, Okhla Phase-, New Delhi -110020
.....FBO-cum-Prop.
4. DIO(South-East) for upload on the web site.



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