IN THE COURT OF SH. M. T. KOM
ADJUDICATING OFFICER/ADDITIONAL DISTRICT MAGISTRATE
(DISTRICT WEST)
OLD MIDDLE SCHOOL BUILDING, RAMPURA, NEW DELHI

F. No. 10/ADM(W)/FS/2012/1197-98 Dated:-22.03.13

IN THE MATTER OF:-

FOOD SAFETY OFFICER
DEPARTMENT OF FOOD SAFETY
GOVT. OF NCT OF DELHI
A-20, LAWRENCE ROAD INDL. AREA,
DELHI-110035 .....APPLICANT

Vs.

SH. KAILASH CHAND S/O SH. KUNDAN LAL
SINGHAL DEPARTMENTAL STORE
B-91, BLOCK-B, VIKAS VIHAR, RANHOLA ROAD,
UTTAM NAGAR, NEW DELHI-110059

R/o B-91, FIRST FLOOR, BLOCK-B, VIKAS VIHAR,
RANHOLA ROAD, UTTAM NAGAR,
NEW DELHI-110059 ....FBO-cum-Proprietor/Respondent

ORDER

(UNDER RULE 3.1.2 OF FOOD SAFETY & STANDARDS RULES, 2011)

An application under Rule 3.1.1(3) of Food Safety & Standards Rules, 2011 was filed in this court by the Food Safety Officer Sh. Nitya Nand Sharma for adjudication of the offence for violation of Section 26(2) (ii) of the Food Safety and Standards Act, 2006 read with Section 3(1) (zx) of the said Act and also for violation of Regulation 2.1.10 (2) of Food Safety and Standards (Food Products Standards and Food Additives) Regulations, 2011 which is punishable under section 51 of the Food Safety and Standards Act, 2006. It is also alleged that Respondent has also violated the provision of Section 26(2) (ii) Food Safety and Standard Act, 2006 read with Section 3(1) (i) of FSS Act, 2006 and Regulation 2.1.1(3) of FSS (Prohibition and Restrictions of Sales) Regulation, 2011, which is punishable under Section 54 of the Food Safety and Standard Act, 2006.

In the application it was alleged that a sample of "Ghee" was taken by Food Safety Officer Sh. Nitya Nand Sharma from Sh. Kailash Chand (Prop) S/o Sh. Kundan Lal from the premises of Singhal Departmental Store, B-91, Block-B, Vikas Vihar, Ranhola Road, Uttam Nagar, New Delhi-110059, on 16.10.2012 for analysis under the provisions of Food Safety & Standards Act/Rules/ Regulations.

The Food Analyst analyzed the sample and reported that

" The sample is substandard because BR exceeds the prescribed maximum limit of 43, Reichert value is less than the prescribed minimum limit of 28 & Baudouin test is positive."

Vide Food Analyst Report number FSS/1125/2012 dated 26/10/2012.

The analyzed report shown that BR value is 46.3 instead of maximum limit of 43.0, Reichert Value is 19.17 instead of minimum limit of 28.0 and Baudouin Test is positive.

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 Buziness Operator was served notice under Rule 3.1.1(6) of Food Safety & Standards Rules, 2011 along with copy of the Report of Food analyst for giving an opportunity to make a representation in this matter.

During the proceeding, the Food Business Operator/Respondent was explained of the nature of offence alleged to have been committed by him. The Respondent submitted that he brought the items from a salesman who will come after every 15 to 20 days in a motorcycle. However, the supplier is not known to him. He did not submit written representation in the matter. The FBO stated that he has no registered License from MCD/ NDMC/Govt. of Delhi for running his shop. The FBO has no record of ITR according to his statement. This indicates that he is not an income tax payee.

The Baudouin Test is positive in the sample which shows the presence of Sesame Oil in the sample. And as such the sample contains an added matter not exclusively derived from milk fat, which is in violation of Regulation 2.1.1 (3) of FSS (Prohibition and Restrictions on Sales) Regulations, 2011.

From the above said facts and circumstances and documents placed on record, it is proved that the Food Business Operator/Respondent has committed offence of selling "Sub-Standard Food" in violation of section 26(2) (ii) of the Food Safety and Standard Act, 2006 read with Section 3(1) (zx) of FSS Act, 2006 and Regulation 2.1.10 (2) of the FSS (Food Product Standards and Food Additive) Regulation 2011, which is punishable under Section 51 of the Food Safety and Standards Act, 2006. He has also violated the provision of Section 26 (2)(ii) Food Safety and Standard Act, 2006 read with Section 3 (1) (i) of FSS Act, 2006 and Regulation 2.1.1(3) of FSS (Prohibition and Restrictions of Sales) Regulation, 2011, which is punishable under Section 54 of the Food Safety and Standards Act, 2006.

As such the Respondent/Food Business Operator is liable to penalty of fine under Section 51 & Section 54 of the Food Safety & Standards Act, 2006 and therefore he is imposed a penalty of Rs. 30,000/- which shall be paid by him in this Court in 7 days n the form of a Crossed Demand Draft drawn on Nationalized Bank in favour of " Adjudicating Officer, District West" payable at Delhi.

27/3/17

(M. T. KOM)
ADJUDICATING OFFICER/
ADM (DISTRICT WEST)
GOVT. OF NCT OF DELHI