

IN THE COURT OF SH. M.T.KOM
ADJUDICATING OFFICER/ADDITIONAL DISTRICT MAGISTRATE
(DISTRICT WEST)
OLD MIDDLE SCHOOL BUILDING, RAMPURA, NEW DELHI-110035

F.NO. 03/ADM (W)/FS/2014/ 5060-5062

DATED:- 17/9/14

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. Kishan Pahuja S/o Sh.B.R. Pahuja,
M/s Kishan Paneer Bhandar,
Shop No. 6/8, Chhoti Subji Mandi, Janakpuri
New Delhi -110058

R/o B2B-314, Janankuri,
New Delhi-110058

.....FBO Cum Proprietor/Respondent

ORDER

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

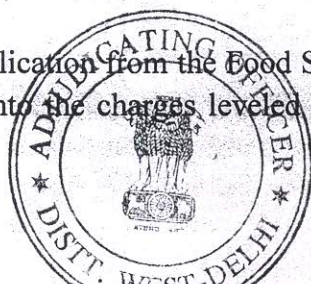
An application under Rule 3.1.1(3) of Food Safety & Standards Rules, 2011 was filed in the court by the Food Safety Officer Sh. Rajendra Kumar Bhaskar for adjudication of the offence for violation of Section 26(2) (ii) of The Food Safety and Standards Act, 2006 read with Section 3(1)(zx) of the said Act and also for violation of Regulation 2.1.5 of Food Safety and Standards(Food Products Standards and Food Additives) Regulation, 2011 which is punishable under Section 51 of the Food Safety and Standards Act, 2006.

In the application, it was alleged that a sample of **Chhanna** was taken by Food Safety Officer Sh. Rajendra Kumar Bhaskar from Sh.Kishan Pahuja S/o Sh. B. R. Pahuja M/s Kishan Paneer Bhandar, Shop, 6/8, Choti Subzi Mandi, Janakpuri, New Delhi -110058, on 15.05.2014 for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations.

The Food Analyst analyzed the sample and reported that sample to be substandard vide Food Analyst Report number. FSS/422/2014 dated 21/05/2014. The report of Food Analyst is as follows:-

“The Sample is substandard because milk fat of dried matter is less than the prescribed minimum limit of 50.0%.”

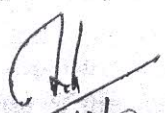
On receipt of application from the Food Safety Officer, it was inferred that an inquiry was necessary to look into the charges leveled against the Food Business operator. So the



Food Business Operator was served notice under Rule 3.1.1(6) 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 milk for making Chhanna purchased from outside of Delhi. He prepared the Chhanna himself for selling to the public. He stated that he is running small business, he is income tax payee registered with VAT Dept and MCD License. The Respondent did not submit written representation 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 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 Standards Act, 2006 read with section 3(1) (zx) of the said Act and also in violation of Regulation 2.1.5 of Food Safety and Standards (food Products Standards and Food Additives) Regulation, 2011. As such the Respondent/Food Business Operator is liable to penalty of fine under Section 51 of The Food Safety & Standards Act, 2006 and therefore he is imposed a penalty of Rs 40,000/- (Rupees Forty thousand only) which shall be paid by him in this Court in the form of a Crossed Demand Draft drawn on Nationalized Bank in favour of "Adjudicating Officer, District West" payable at Delhi.


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

- b/c
1. Sh. Rajendra Kumar Bhaskar
Food Safety Officer
Department Of Food Safety
Govt. Of NCT of Delhi
A-20, Lawrence Road Indl. Area,
Delhi-110035
 2. Sh. Kishan Pahuja S/o Sh.B.R. Pahuja,
M/s Kishan Paneer Bhandar,
Shop No. 6/8, Chhoti Subji Mandi, Janakpuri
New Delhi -110058
 3. R/o B2B-314, Janankuri,
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