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

F. No. 11/ADM(W)/FS/2013/1936-37 **DATED :- 14.05.13**

ORDER
(REFER RULE 3.1.1(6) OF FOOD SAFETY & STANDARDS RULES, 2011)

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

VERSUS

SH. PREM CHAND S/O SH. PRAHLAD SINGH
M/S. SARGAM SWEETS,
A-1/11 PIPAL WALA ROAD,
MOHAN GARDEN, UTTAM NAGAR,
NEW DELHI-110059

R/O A-1/11 PIPAL WALA ROAD,
MOHAN GARDEN, UTTAM NAGAR,
NEW DELHI-110059
.....FBO-cum-Proprietor

An application under Rule 3.1.1 (3) of Food Safety & Standards Rule 2011 was filed in this court by 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 FSS Act, 2006 and Regulation 2.4.2.1 of FSS (Food Products Standards and Food Additives) Regulation 2011 which is punishable under section 51 of the FSS Act, 2006.

In the application, it was alleged that a sample of Maida was taken by Food Safety Officer Sh. Nitya Nand Sharma from Sh. Prem Chand S/o Sh. Prahlad Singh from the premises of M/s Sargam Sweets, A-1/11, Pipal Wala Road, Mohan Garden, Uttam Nagar, New Delhi-110059, on 09.11.2012 for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations.

The Food Analyst analyzed the sample and reported the sample to be substandard vide Food Analyst Report number FSS/1458/2012 dated 19.11.2012. The report of Food Analyst is as Follows:-

"The sample is unsafe because it is not free from insects"

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 along with copy of the Report of Food Analyst for giving an opportunity to make a representation in this matter.

During the proceedings, the Food Business Operator/Respondent was explained about the nature of offence alleged to have been committed by him. The respondent submitted that he does not sale the Maida as such but used in preparation of sweets and namkeen for sale for human consumption. The respondent did not submit any written representation in the matter. The respondent pleaded guilty during the enquiry and assured that no such offence would be repeated in future. He also submitted that his shop is not registered with VAT Department and he is not an income tax payee.

From the above said facts and circumstances and documents placed on records, it is proved that the Food Business Operator/Respondent has committed offence of selling "Sub-Standard" as defined under section 3(1) (zx) of Food Safety and Standards Act 2006 as it does not conform to the standards laid down for Maida under the provision of Food Safety and Standards (Food Products Standards and Food Additives) Regulations 2011 which is punishable under section 51 of the FSS Act, 2006 and therefore a penalty of **Rs 25,000/-** is imposed upon him which shall be paid in this Court within 7 days in the form of a Crossed Demand Draft drawn on Nationalized Bank in favour of "Adjudicating Officer, District West" payable at Delhi.

14/5/13

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

Dated:- 14.05.13