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

F.No. 06/ADM(W)/FS/2012/6934-35

Dated:-05.11.12

ORDER

(UNDER RULE 3.1.2 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

Vs.

SH. RAJEEV KAPOOR S/O SH. G.L. KAPOOR
M/S. JAI MAAMBEY IMPEX,
(OWNER SWADESHI ELECTRONICS),
WZ-90K/2A, KESHO PUR,
VIKAS PURI, NEW DELHI-110018

R/O A-96 BROTHERHOOD SOCIETY,
VIKAS PURI, NEW DELHI-110018

.....FBO-cum-Proprietor/Respondent

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. 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(1) (zf) (C) (i) of the Food Safety and Standards Act,2006 and also for violation of Regulation 2.2.2.8 of Food Safety and Standards (Packaging and Labeling) Regulations, 2011 and Violation of the provisions of section 25(1) (i) of FSS Act, which is punishable under Section 52 (1) of the Food Safety and Standards Act, 2006.

In the application it was alleged that a sample of Juice was taken by Food Safety officer Sh. B.P. Saroha from Sh. Rajeev Kapoor S/o Sh. G.L. Kapoor from the premises of M/s Jai Maambey Impex on 12.08.2011 for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations.

The Food Analyst analyzed the sample and reported the sample to be misbranded vide Food Analyst Report number PFA/Enf./98/2011 dated 19/08/2011. The report of Food Analyst is as Follows:-

“ The sample is misbranded because there is Violation of rule 2.2.2.8 of Food Safety & Standard Regulation 2011. However the sample conform to Standard”.

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 him an opportunity to make a representation on the next date of hearing of the inquiry.

Sh. Rajeev Kapoor, FBO appeared and submitted his written reply and stating that the product conform to standards. He further stated that the Food Analyst Report declares the Report as misbranded for not having Batch No., however, the product is of highest standard imported from Dubai, each having a unique serial no., a much more stringent way followed world-over, unlike where 100s of packets/cartons can be from same batch. It is also stated that he has directed parent company to follow the Batch System as per Indian requirements for all further supplies. It is stated that company is not dealing in food products now. He also referred a letter dated 03/08/2012 of Assistant Director, Food Safety & Standard Authority of India relating to minor labeling defect. Sh. Rajeev Kapoor submitted copies of Import and Sales Bills of said product, stating that estimated total value of import of concerned product is Rs. 5.50 Lacs and total sale value inclusive of all taxes is around Rs. 8.50 Lacs.

Food Safety officer further submitted that he has mentioned the label declaration on the product on form V A itself which has duly signed by the vendor also and there is no batch no. mentioned on the said notice. Further, it is observed that respondent was given an opportunity to file an appeal against the report of Food Analyst for sending one part of the sample to referral lab but respondent did not avail this opportunity. Therefore, the contention of the respondent of having a unique serial no. on the sample product is not tenable. Moreover, Respondent has himself admitted that he has directed parent Company to follow Batch System as per Indian requirements for all future supplies, thereby not contradicting the allegations of Applicant.

From the above facts and documents on record and considering the representation of the Food Business Operator, it is proved beyond doubt that the Food Business Operator has committed an offence of selling "Misbranded Food" as defined under Section 2.2.2.8 (Packaging and Labeling) of Food Safety & Standards Act, 2006.

As such the Respondent/Food Business Operator is liable to penalty of fine under Section 52 (1) of Food Safety & Standards Act, 2006 and he is imposed a penalty of Rs 85,000/- which shall be paid by him in this Court in 7 days in the form of a Crossed Demand Draft drawn on Nationalized Bank in favour of "Adjudicating Officer, District West" payable at Delhi, failing which amount would be recovered as arrears of land revenue.





RAJESH GOYAL
ADJUDICATING OFFICER / ADM
(DISTRICT WEST)
GOVT. OF NCT OF DELHI

O/c

Dated:- 05/11/2012