

**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. 01/ADM(W)/FS/2014/2369-70

DATED:- 08.05.14

ORDER

(REFER RULE 3.1.2 OF FSS RULE 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. Satish Kumar S/o Late Sh. Prakash Chand
M/s. Prakash Dairy,
P1/A Vishnu Garden, New Delhi-110018**

**R/o 6/23 A, 2nd Floor, Tilak Nagar,
New Delhi-110018**

.....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. Virender Singh 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 Food Safety and Standards Act, 2006 read with Regulation No.2.1.1.1 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. He has also violated section 26(2)(ii) of FSS Act read with section 3(1)(i) of FSS Act Regulation no. 2.1.1(10) of FSS (Prohibition and Restriction on Sales) Regulations 2011, which is punishable under section 54 of FSS Act 2006.

In the application, it was alleged that a sample of "Standardized Milk" was taken by Food Safety Officer Sh. Virender Singh from Sh. Satish Kumar S/o Late Shri. Prakash Chand from M/s Prakash Dairy, P1/A, Vishnu Garden, New Delhi-110018 on 03.07.2013 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 FSS/592/2013 date dated 17.07.2013. The report of Food Analyst is as follows:-



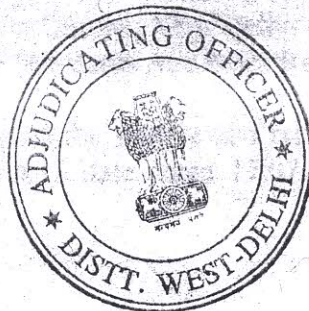
"The sample is substandard because milk solids not fat is less than the prescribed minimum limit of 8.5% & Milk fat content below the minimum standard Limit and test for cane sugar is Positive".

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 Business Operator was served notice under Rule 3.1.1(3) 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 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 is running small shop milk dairy at Vishnu Garden. Milk is supplied from Hapur through a tanker on daily basis. At times the tanker delivers the milk at the shop. The same is sold to the consumers without label/declaration. The respondent did not submit any written representation in the matter. The respondent pleaded guilty during the enquiry and he also submitted that his shop is registered by MCD and he is 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 26(2)(ii) of the Food Safety and Standards Act, 2006 read with Section 3(1)(zx) of the Food Safety and Standards Act, 2006 read with Regulation No.2.1.1.1 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. He has also violated section 26(2)(ii) of FSS Act read with section 3(1)(i) of FSS Act Regulation no. 2.1.1(10) of FSS (Prohibition and Restriction on Sales) Regulations 2011, which is punishable under section 54 of FSS Act 2006 and therefore a penalty of **Rs. 30,000/-** (Rs. Thirty Thousand only) 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 in favour of "Adjudicating Officer, District West" payable at Delhi.

Dated 08.05.2014



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

o/c