

IN THE COURT OF SH. M. T. KOM
ADJUDICATING OFFICER/ADDITIONAL DISTRICT MAGISTRATE
(DISTRICT WEST)
OLD MIDDLE SCHOOL BUILDING, RAMPURA, NEW DELHI-35

F.NO. 08/ADM(W)/FS/2015/260-268

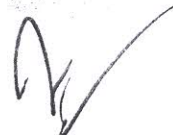
DATED:- 21.01.16

IN THE MATTER OF:-
B.P. SAROHA, FOOD SAFETY OFFICER
DEPARTMENT OF FOOD SAFETY
GOVT. OF NCT OF DELHI
8th FLOOR MAYUR BHAWAN SHANKAR MARKET
CONNAUGHT PALACE, DELHI-110001

.....APPLICANT

Vs.

1. Sh. Shyamanuj Maurya
M/s KFC(a unit of ANTPL)
12,13 IInd Floor, Food Court
Moments Mall, Kirti Nagar
New Delhi-110015FBO/Restaurant Manager/Respondent No.1
2. Sh. Ashok Kumar Sharma
M/s KFC(a unit of ANTPL)
12, 13 IInd Floor, Food Court
Moments Mall, Kirti Nagar,
New Delhi-110015.Director of FBO Co./Respondent No.2
3. Sh. Rajan Sharma
M/s KFC(a unit of ANTPL)
12, 13 IInd Floor, Food Court
Moments Mall, Kirti Nagar
New Delhi-110015.Director of FBO Co./Respondent No.3
4. M/s KFC (Unit of A. N. Traders(Pvt.) Ltd.)
12,13 IInd Floor, Food Court
Moments Mall, Kirti Nagar
New Delhi-110015FBO Company/Respondent No.4
5. Sh. Mayank Mathur
S/o Sh. M. S. Mathur
M/s Coldex Logistics Pvt. Ltd.
7/28, Kirti Nagar Ind. Area
New Delhi-110015Nominee of Supplier Co./Respondent No.5
6. M/s Coldex Logistics Pvt. Ltd.
C/o Kold-Hold Industries Pvt. Ltd.
7/28, Kirti Nagar Ind. Area
New Delhi-110015Supplier Co./Respondent No.6
7. Sh. Mukul Parekh
M/s Veeba Food Services Pvt. Ltd.
Plot No. SP-17, Phase-I, RIICO Ind. Area
Neemrana, Distt, Alwar, Rajasthan-301705Nominee of Mfg. Co./Respondent No.7



8. M/s Veeba Food Services Pvt. Ltd.
Plot No. SP-17, Phase-I, RIICO Ind. Area
Neemrana, Distt, Alwar, Rajasthan-301705Mfg. Co./ Respondent No.8

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. B.P. Saroha for adjudication of the offence for violation of Section 26(1) and 26(2) (ii) of the Food Safety and Standards Act, 2006 read with Section 3(1)(zf)(C)(i) of the Food Safety Act and also violation of Regulation 2.2.2.3 of Food Safety and Standards(Packaging and Labeling) Regulation, 2011 which is punishable under Section 52 of the Food Safety and Standards Act, 2006.

In the application, it was alleged that a sample of "Strawberry cursh (a food article)" was taken by Food Safety Officer Sh. B.P. Saroha from Sh. M/s KFC (a unit of An Trader Pvt. Ltd, 12-13,Ind Floor, Food Court Moments Mall Kriti Nagar, New Delhi-110015 on 25.02.2015 for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations.

The Food Analyst analyzed the sample and reported that sample to be misbranded vide Food Analyst Report number. FSS/1507/2015 dated 10/03/2015. The report of Food Analyst is as follows:-

"The Sample is Misbranded because there is violation or Regulation No. 2.2.2.3 of the Food Safety & Standards(Packaging & Labeling) Regulation, 2011".

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 enquiry, the Food Business Operator/Respondent was explained the nature of offence alleged to have been committed by him. Food Safety Officer submitted that investigation was carried out by them that there was no nominee of the FBO Company at the time of taking sample. According to the information available on the Registrar of Company's website it was revealed that there are two directors of the company namely Sh. Ashok Kumar Sharma and Sh. Rajan Sharma. There is no nominee of the firm as on the date of taking sample and as such both the Directors alongwith the company are responsible for the offence.

