



GOVERNMENT OF NCT OF DELHI
IN THE COURT OF DR NAVLENDRA KUMAR SINGH, ADJUDICATING OFFICER/
ADDITIONAL DISTRICT MAGISTRATE (NORTH DISTRICT)
DM (NORTH) OFFICE COMPLEX, ALIPUR, DELHI-110036

No.ADM/N/FSSA/24/2015/1275-79

Dated: 18/4/16

IN THE MATTER OF:

1. FOOD SAFETY OFFICER,
DEPARTMENT OF FOOD SAFETY,
GOVT. OF NCT OF DELHI,
8TH FLOOR, MAYUR BHAWAN,
CONNAUGHT PLACE, DELHI-110001

...APPLICANT

Vs.

1. SHRI RATAN JEET SINGH GULATI, S/O SHRI BAL RAJ GULATI,
M/S FUTURE CONSUMER ENTERPRISES LTD (BIG APPLE),
SHOP No.5&6, HUDSON LANE,
KINGSWAY CAMP, DELHI-110009
R/O B-377, GALI NO.4, ADARSH NAGAR, DELHI-110009

...FBO-CUM-NOMINEE

2. M/S FUTURE CONSUMER ENTERPRISES LTD (BIG APPLE),
SHOP No.5&6, HUDSON LANE,
KINGSWAY CAMP, DELHI-110009

...SALE OF COMPANY

3. SH. MAHESHWARI NATH JOSHI,
M/S SAFFRON ENTERPRISES,
B-50, 2ND FLOOR, LAWRANCE ROAD INDL. AREA,
DELHI-110035

...NOMINEE OF MFG. COMPANY

4. M/S SAFFRON ENTERPRISES,
B-50, 2ND FLOOR, LAWRANCE ROAD INDL. AREA,
DELHI-110035

...MFG. & MKT. COMPANY

ORDER

This order shall dispose of the complaint dated 8/10/2015 filed by Shri D V Singh, Food Safety Officer (FSO), Department of Food Safety, GNCT of Delhi under 3.1.1(3) of the Food Safety & Standards Rules, 2011 against Food Business Operator Shri Ratan Jeet Singh Gulati, S/o Shri Bal Raj Gulati at the premises of M/s Future Consumer Enterprises Ltd. (Big Apple), Shop No.5 & 6, Hudson Lane, Kingsway Camp, Delhi-110009.



Narby

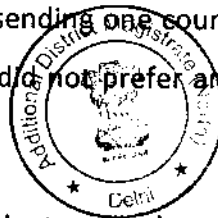
Shri D V Singh, Food Safety Officer (FSO) in his complaint has stated that on 5.6.2015 at about 6:25 PM, he lifted a sample of "Noodles (Veg. Hakka)" (ready for sale) taken as it is sealed packet from the possession of Shri Ratan Jeet Singh Gulati (FBO-cum-Nominee) by paying price of Rs.420/-.

He further stated that the sample consisted of 12x150gms of "Noodles (Veg. Hakka)" was divided into four equal parts were separately packed and sealed according to the provisions of the Food Safety & Standards Act, 2006. Thereafter the Designated Officer slip bearing the code no., signature and official stamp of the D.O. was affixed on each of the four sample counterparts. FBO's signatures were also obtained on the four samples counterparts.

Further, a notice in form VA was prepared which was duly signed by the Food Safety Officer, witness Sh. Nobat Singh, FA and also Shri Ratan Jeet Singh Gulati, FBO. One counterpart of the sample bearing D.O. code No.02/DO-18/7572 alongwith copy of Memo in Form VI and another copy of memo in Form VI was sent separately to the Food Analyst, Delhi on 8.6.2015. The other two counterparts of the sample along with two copies of memo in Form VI were deposited with Shri O P S Ahlawat, the then Designated Officer. The Food Analyst vide his report bearing No.FSS/267/2015, dated 22.6.2015 reported as under:

"The sample is misbranded because there is violation of Regulation No.2.2.1.3 of the Food Safety & Standards (Packaging & Labelling) Regulation, 2011 as it gives misleading statement on the label i.e. "No added MSG"."

The above report was sent to FBO vide letter No.F.6(43)/N/FS/2015/1966-68, dated 23.6.2015 for giving him an opportunity to file an appeal against the report of Food Analyst under section 46(4) of the FSS Act, 2006 for sending one counterpart of the sample to the referral Food Laboratory. However, the FBO did not prefer an appeal against the report of Food Analyst.



During the course of hearing, respondents were heard. Respondent No.3 & 4 vide their written submission dated 17.12.2015 admitted the mistake, but prayed to dismiss the complaint as the mistake was unintentional and there is no monetary gain involved.

Narsh

However, Shri Ratan Jeet Singh Gulati on 29.12.2015 admits his mistake and pleads guilty. Respondent No.1 & 2 admitted the same vide written submission dated 8.4.2016 also and informed that they have changed the packing and omitted the words "No added MSG" from packaging of "Noodles (Veg. Hakka)". They further informed that packing material was provided by them to Respondent No.3 & 4 for packing of "Noodles (Veg. Hakka)". On inquiry about the violations under the provisions of Food Safety & Standards Act/Regulation/Rules he pleaded guilty.

Keeping in view the above facts and circumstances, the case is decided in view of section 53 of the Food Safety & Standards Act, 2006 read with section 49. Since the FBO has contravened the provisions of Food Safety & Standards Act, 2006, there is laid down criteria to impose like the amount of gain, un-fair advantage, amount of loss caused, likely to cause, repetitive nature of contravention etc.

The undersigned is of the considered view that in order to meet the ends of justice a penalty Rs.1,00,000/- (Rupees one lac only) as envisaged under section 53 of the Food Safety & Standards Act, 2006 is imposed upon Respondent No.1 & 2 and Rs.10,000/- (Rupees ten thousand only) is imposed upon Respondent No.3 & 4, so as to discourage the malpractice being adopted by the vendors. The vendors are directed to deposit the penalty amount within 7 days from the date of orders by way of a Crossed Demand Draft drawn on a Nationalized Bank in favour of "Adjudicating Officer, District North" payable at Delhi, failing which recovery proceedings will be initiated against them.

Issued under my hand and seal of this court on 18.4.2016



File is consigned to record.

Dated: 18.4.2016

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(DR NAVLENDRA KUMAR SINGH)
ADJUDICATING OFFICER/
ADM (NORTH)
GOVT. OF NCT OF DELHI
Dr. NAVLENDRA KUMAR SINGH
Addl. District Magistrate (North)