



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/27/2015/ 1533-35

Dated: 06.05-2016

IN THE MATTER OF:

1. SHRI D V SINGH, FSO, DEPTT. OF FOOD SAFETY,
8TH FLOOR, MAYUR BHAWAN,
CONNAUGHT PLACE, DELHI-110001 ...COMPLAINANT
2. SHRI ARUN KUMAR, S/O SHRI LAVGEESH KUMAR,
M/S NAND LAL STORE,
125, MAIN BAZAR NARELA, DELHI-110040
R/O 97, PANJABI COLONY, NARELA, DELHI-110040 ...FBO-CUM-PROPRIETOR
3. SHRI VINOD KUMAR, S/O SHRI R N GUPTA,
M/S RAGHUNATH TRADERS,
1994, RAILWAY ROAD NARELA, DELHI-110040
R/O BN-4, WEST SHALIMAR BAGH,
NEW DELHI-110088 ...PROP. SUPPLIER-CUM-PACKER
MFG. ACCUSED NO.1

ORDER

This order shall dispose of the complaint dated 23.2.2016 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 Arun Kumar, S/o Shri Lavgeesh Kumar at the premises of M/s Nand Lal Store, 125, Main Bazar Narela, Delhi-110040.

Shri D V Singh, Food Safety Officer (FSO) in his complaint has stated that on 17.7.2015 at about 5:00 PM, he lifted a sample of "Mustard Oil" (ready for sale) taken as it is sealed packet from the possession of Shri Arun Kumar (FBO-cum-Proprietor) by paying price of Rs.360/-.



He further stated that the sample consisted of 4x1 Ltrs of "Mustard Oil" was divided into four equal parts were separately packed and sealed according to the provisions of the

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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 counter parts.

Further, a notice in form VA was prepared which was duly signed by the Food Safety Officer, witness Sh. Ashok Kumar, FA and also Shri Arun Kumar, FBO. One counterpart of the sample bearing D.O. code No.02/DO-18/7968 alongwith copy of Memo in Form VI and another copy of memo in Form VI was sent separately to the Food Analyst, Delhi on 20.7.2015. The other two counter parts of the sample along with two copies of memo in Form VI were deposited with Shri Ompal Singh Ahlawat, the then Designated Officer. The Food Analyst vide his report bearing No.FSS/520/2015, dated 3.8.2015 reported as under:

"The sample is substandard because Butyro refractometer reading and Saponification value exceeds the prescribed maximum limits of 60.5 and 177 respectively. The sample is also misbranded because there is violation of Regulation No.2.2.2.10 of the Food Safety & Standards (Packaging & Labelling) Regulation, 2011."

The above report was sent to FBO vide letter No.F.6(71)/DO-North/FS/2015/4160-62, dated 10.8.2015 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 counter part 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. Both of them stated that they are running small business. On 29.4.2016 the last date of hearing Respondent No.1 stated that he has nothing more to say in writing except that he had purchased the Mustard Oil from Respondent No.2. He admitted the mistake, but prayed to dismiss the complaint as the mistake was unintentional and there is no monetary gain involved. Shri Vinod Kumar, Respondent No.2 also admitted his mistake and pleads guilty vide written submission dated 29.4.2016. He stated that he had supplied the Mustard Oil to FBO. He also prayed to dismiss the complaint as the mistake was unintentional and there is no monetary gain involved. On

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inquiry about the violations under the provisions of Food Safety & Standards Act/Regulation/Rules they pleaded guilty.

Keeping in view the above facts and circumstances, the case is decided in view of section 51&52 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.10,000/- (Rupees ten thousand only) as envisaged under section 51&52 of the Food Safety & Standards Act, 2006 is imposed upon Respondent No.2, so as to discourage the malpractice being adopted by the vendors. The vendor is 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 him.

Issued under my hand and seal of this court on 06.05.2016

File is consigned to record.



Dated: 06.5.2016

Navendra
(DR NAVLENDRA KUMAR SINGH)
ADJUDICATING OFFICER/
ADM (NORTH)

GOVT. OF NCT OF DELHI
Dr. NAVLENDRA KUMAR SINGH
Addl. District Magistrate (North)