



GOVERNMENT OF NCT OF DELHI
IN THE COURT OF SHRI SOM NAIDU, ADJUDICATING OFFICER/
ADDITIONAL DISTRICT MAGISTRATE (NORTH DISTRICT)
1, KRIPA NARAIN MARG, DELHI-110054

No.ADM/N/PFA/2014/ 1549-54

Dated: 25-11-2014

IN THE MATTER OF:

1. FOOD SAFETY OFFICER,
DEPARTMENT OF FOOD SAFETY,
GOVT. OF NCT OF DELHI,
A-20, LAWRENCE ROAD INDL. AREA,
DELHI-110035

...APPLICANT

Vs.

1. SHRI RAM KARAN,
TRUCK No.HR-69B-1846
WHILE CARRYING MILK AT MCD TOLL TAX GATE,
SINGHU BORDER, NARELA, DELHI-110040
R/O VILLAGE KHAMPUR, BAKOLI,
GALI No.5, ROOM No.5,
DELHI-110040
2. SHRI JAI HIND MISHRA,
M/s STERLING AGRO INDUSTRIES LTD.,
74-76, KUNDLI, SONIPAT, HARYANA-131028
3. M/s STERLING AGRO INDUSTRIES LTD.,
74-76, KUNDLI, SONIPAT, HARYANA-131028
DELHI OFFICE:
M/s STERLING AGRO INDUSTRIES LTD.,
11TH FLOOR, CYBER PLAZA-II,
NETAJI SUBHASH PLACE, NEW DELHI-110034

...DRIVER/FBO

...NOMINEE OF ACCUSED No.3

...OWNER COMPANY

ORDER

(UNDER RULE 3.1.2 OF FOOD SAFETY & STANDARDS RULES, 2011)

Smt. Usha Kiran, Food Safety Officer, Department of Food Safety, GNCT of Delhi, Lawrence Road, Delhi filed an application dated 29.5.2014 for adjudicating the offence for violation of Section 26(1) and (2)(ii) of the Food Safety and Standards Act, 2006 read with



section 3(1)(zx) of The Food Safety and Standards Act, 2006. The violations are punishable under section 51 of the Food Safety and Standards Act, 2006.

Smt. Usha Kiran, Food Safety Officer in the application submitted that on 1.1.2014 at about 11:30 PM she purchase the sample of "Mixed Milk" an article of food for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations from Shri Ram Karan, Driver/FBO, M/s Sterling Agro Industries Ltd., 74-76, Kundli, Sonipat, Haryana-131028.

The sample of the "Mixed Milk" was sealed and an amount of Rs.90/- was paid to Driver/FBO as cost of the sample and the four sample packets were fastened, sealed and obtained the signatures as per the procedure contained under the Food Safety & Standards Act/Rules/Regulations.

The panchnama in Form VA prepared and acknowledgement obtained from the Food Business Operator.

It is further submitted that the sealed sample packets were sent separately with a copy of memo in form VI to the Food Analyst, Delhi and also to the Designated Officer.

An opportunity was given to the Food Business Operator for sending the fourth packet for analysis to NADL accredited Laboratory under section 47(1)(c)(3) and 2.4.5 of the rule.

The Food Analyst analyzed and reported the sample to be substandard vide Food Analyst Report number FSS/05/2014, dated 16.1.2014. The report of Food Analyst is as follows:-

"The sample is substandard because milk fat is less than the prescribed minimum limit of 4.5%."

The Designated Officer (North) on receipt of report from Food Analyst forwarded the report vide letter No.02/DO-12/4188/2013/495, dated 30.4.2014 to the respondents and provided an opportunity to file an appeal u/s 46 (4) of the Food Safety & Standards Act, 2006 read with Rule 2.4.6 of the Food Safety & Standards Rules, 2011 within the stipulated



