

IN THE COURT OF SMT. ASHA CHAUDHARY MALHOTRA
ADJUDICATING OFFICER/ADDITIONAL DISTRICT MAGISTRATE
(DISTRICT WEST)
OLD MIDDLE SCHOOL BUILDING, RAMPURA, NEW DELHI-35

F.NO. 15/ADM(W)/FS/2016/ 3868-72

DATED:- 12.08.16

IN THE MATTER OF:-

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

.....APPLICANT

Vs.

1. Sh. Chetan Aggarwal S/o Sh. Raju Aggarwal
M/s Shri Makhan(A Unit of Shree Krishna Enterprises)
Shop No-8, DA Block, DDA, Market, Hari Nagar,
New Delhi-110064FBO cum Unit Head/Respondent No. 1
2. Sh. Rajesh Kumar S/o Sh. B.S. Chaudhary
M/s Shri Makhan(A Unit of Shree Krishna Enterprises)
Shop No-8, DA Block, DDA, Market, Hari Nagar,
New Delhi-110064
R/o C-2/79, Vinod Puri Vijay Enclave
New Delhi-1100045Partner of the Firm/Respondent No. 2
3. Sh. Krishan Kumar S/o Sh. B.S. Chaudhary
M/s Shri Makhan(A Unit of Shree Krishna Enterprises)
Shop No-8, DA Block, DDA, Market, Hari Nagar,
New Delhi-110064
R/o C-2/79, Vinod Puri Vijay Enclave
New Delhi-1100045Partner of the Firm/Respondent No. 3
4. Sh. Shree Krishna Enterprises
Shop No8, DA Block, DDA Market, Hari Market,
New Delhi-110064 Firm/Respondent No. 4

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) (i) of the Food Safety Act 2006 which is punishable under Section 54 of the Food Safety and Standards Act, 2006.



In the application, it was alleged that a sample of "Gulab Jamun" was taken by Food Safety Officer from Sh. Chetan Aggarwal S/o Sh. Raju Aggarwal pf M/s Sh. Shri Makhan (A unit of Shree Krishna Enterprise), Shop No.8, DA Block, DDA Market, Hari Nagar, New Delhi-110064 on 06/11/2015 for analysis under the provisions of Food Safety & Standards Act/Rules/Regulations.

The Food Analyst analyzed the sample and reported that "The Sample to be misbranded vide Food Analyst Report number. FSS/1085/2015 dated 13/11/2015. The report of Food Analyst is as follows:-

"The Sample contains extraneous matter viz. added synthetic food colour i.e Tartrazine in contravention of Section 26(2) (ii) read with the definition of extraneous matter as defined under Section 3(1) (i) of the Food Safety & Standards Act, 2006.

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 i.e. extraneous matter viz. added synthetic food colour in the Gulab Jamun (a food article). Further During the enquiry, the Respondent No.1 admitted that violation has happened due to some mistake by the workers. The FBO is running for the last 06 years in the same place. Catering restaurant and Sweet Shop. The food and Sweets are prepared in the base kitchen of the Shop. He is an Income Tax has a all valid licenses.

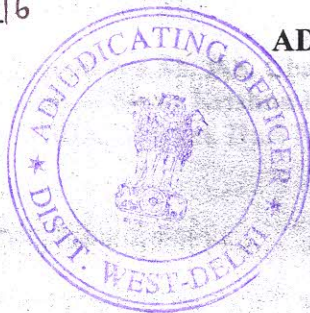
From the above said facts and circumstances and documents placed on record, it is proved that the Food Business Operator/ Respondent has committed offence of selling of misbranded food article, manufacturer and packer, all the respondents are liable under the act. Therefore following penalties are hereby imposed under section 52 of the FSS Act 2006.




1. Sh. Chetan Aggarwal S/o Sh. Raju Aggarwal M/s Shri Makhan(A Unit of Shree Krishna Enterprises/FBO cum Unit Head/Respondent No. 1 penalty imposed of Rs.1000/-(Rs. One thousand only).
2. Sh. Rajesh Kumar S/o Sh. B.S. Chaudhary M/s Shri Makhan(A Unit of Shree Krishna Enterprises)/Partner of the Firm/Respondent No. 2 penalty imposed of Rs.5000/-(Rs. Five thousand only).
3. Sh. Krishan Kumar Kumar S/o Sh. B.S. Chaudhary M/s Shri Makhan(A Unit of Shree Krishna Enterprises)/Partner of the Firm/Respondent No. 3 penalty imposed of Rs.5000/-(Rs. Five thousand only).
4. M/s Shree Krishna Enterprises Firm/Respondent No. 4 penalty imposed of Rs. 5,000/-(Rs. Five thousand only).

The abovesaid penalties shall paid by the accused/Respondents in this Court in 7 days the form of a Crossed Demand Draft drawn on Nationalized Bank in favour of "Adjudicating Officer, District West" payable at Delhi, failing which amount would be recovered as of land revenue.

Dated:- 12.08.2016




(ASHA CHAUDHARY MALHOTRA)
ADJUDICATING OFFICER/ADM(WEST)
GOVT. OF NCT OF DELHI