

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
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IN THE COURT OF ADJUDICATION OFFICER - CUM -
DEPUTY COMMISSIONER, RANCHI

Food Safety & Standards Case No.-16 /2015-16

State - Complainant

Vs

Pradeep Choudhary & Others - Accused

ORDER

This proceeding has been initiated on an application submitted for adjudication alongwith the Letter of Sanction for prosecution, Report of Food Analyst, Form 5 & 6, Notice issued to the accused, receipt and Purchase Report contained in Letter No.-95 dated 26.11.2015 of the DFSO Cum DO Cum ACMO-1, Ranchi issued upon a request made by the complainant Smt Gulab Lakra, Food Safety Officer, Ranchi, wherein she has prayed to issue summon and thereupon commence trail against the accused namely Pradeep Choudhary Son of Late Daya Choudhary, M/s Khusbu Sweets, Kathitarn, Ratu, Ranchi as the sample *Rasgulla* purchased from the accused for the purpose of analysis was found adulterated by virtue of admixing of starch being added as adulterant and extraneous matter and hence the same product is not of quality or substance of claimed nature so demanded, hence the accused have committed an offence punishable U/s 50 and 54 of FS&S Act, 2006.

According to the complainant, she purchased 800 Grams

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(200 Grams X 4) Packets of *Rasgulla* for the purpose of analysis on payment of a price of Rs. 96.00 (Ninety Six Only) and thereafter prepared Memorandum in Form VI and sent part of the sealed sample alongwith Form VI to the Food Analyst for analysis and the remaining parts of the sample alongwith form VI was submitted with the Designated Officer.

According to the report of the Food Analyst, the sample *Rasgulla* is adulterated by virtue of admixing of starch being added as adulterant and extraneous matter and hence the said product is not of quality or substance of claimed nature so demanded.

According to the Learned Government Pleader, it is proved beyond doubt from the report submitted by the Food Analyst that the sample *Rasgulla* purchased from the accused is not of nature, substance and quality so demanded and hence adulterated by virtue of admixing of starch as an extraneous matter in adulterant., hence, it is proved beyond doubt that, the accused have committed offence specified under Section 50 and 54 of the FS&S Act, 2006. According to Section 50 of the FSS Act, 2006, any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made there under or of the nature or substance or quality demanded by the purchaser shall be liable to a penalty not exceeding two lakhs and according to Section 54, any person who whether by himself or by any other person on his behalf manufactures for sale and store or sells or distributes or imports



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any articles of food for human consumption containing extraneous mater shall be liable to a penalty which may extend to one lakh rupees.

On the other hand according to the accused, he has opened a new shop and as per the report of the Food Analyst no harmful material has been admixed in the sample in question and the accused has not intentionally admixed starch in the sample in question, but infact it would have been accidentally admixed while working with Aata at the same time.

Having heard both the parties and on perusal of record, I find that, it is apparent from the report submitted by the Food Analyst that, sample *Rasgulla* purchased from the accused is adulterated by virtue of presence of starch added as adulterant and extraneous matter, which is an offence within the purview of Section 50 and 54 of the FS&S Act, 2006 and since the accused have failed to rebut the allegation levelled in the aforesaid report submitted by the Food Analyst and also since he has failed to prove that the fact that he used to purchase the sample in question from the supplier through cogent evidence, hence I find that, the accused are guilty of offence punishable U/s 50 and 54 of the FS&S Act and so this proceeding is concluded with a penalty of Rs. 25000/- (Rupees Twenty five thousand Only) upon the accused taking in consideration the amount of gain and unfair advantage made as result of contravention aforementioned.

Let demand notice be issued upon the accused for

[Handwritten Signature]

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recovery of the said penalty in the name of "Adjudicating Officer-Cum-Deputy Commissioner, Ranchi" through Demand Draft and in case the accused fails to deposit the penalty within the time stipulated in the demand notice, the authority concern shall recover the penalty imposed by instituting Certificate Case under Bihar Public Demand Recovery Act against the accused as provided U/s 96 of the Food Safety & Standards Act of 2006 and till the licence (if any) of the defaulter shall be suspended till the penalty is paid. Further, the Designated Officer shall also ensure that, as per Section 31 of the Act of 2006, the accused shall not commence or carry on any food business during the suspension of the Food Licence of accused.

Communicate this order to the DFSO-CUM- DO- CUM ACMO-1, Ranchi for information and necessary action.

Dictated & Corrected

Adjudicating Officer - cum -
Deputy Commissioner, Ranchi

Adjudicating Officer - cum -
Deputy Commissioner, Ranchi