

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
1	2	3

~ 1 ~

<p>4.2.18</p>	<p style="text-align: center;"><u>IN THE COURT OF ADJUDICATING OFFICER – CUM – DEPUTY COMMISSIONER, RANCHI</u></p> <p style="text-align: center;"><u>Food Safety & Standards Case No.-19 /2015-16</u></p> <p>State - Complainant</p> <p style="text-align: center;">Vs</p> <p>Principal, Dr. B.B. Chatopadhya & Another - Accused</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Present 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 Memo No.-92 dated 26.11.2015 of the DFSO Cum DO Cum ACMO-1, Ranchi, wherein and whereunder the complainant Smt Gulab Lakra, Food Safety Officer, Ranchi has prayed to issue summon and thereupon commence trail against the accused namely (1) Principal Dr. B. B. Chottopadhay, Government Polytechnic, Silli, Ranchi and (2) Managing Director, M/s Ram Pratap Jagarnath Surana, Bikaner (Rajasthan), as the sample papad purchased from the accused is misbranded within the scope of Section 3 (i) (zf) read with Section 23 and standard depicted on label with</p>	
---------------	---	--

[Handwritten Signature]

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
1	2	3

~ 2 ~

	<p>regard to Best Before Date is misleading within the meaning of Section 24 of FS&S Act, 2006. The FBO is engaged himself in unfair trade practices and has contravened Reg 2.2.1.3 of the FS&S Regulation, 2011.</p> <p>According to the complainant, she purchased 200 Grams X 4 packets of Papad from the accused for the purpose of analysis on payment of a price of Rs. 200.00 (Two Hundred 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.</p> <p>As per the report of the Food Analyst, the sample Papad purchased from the accused is is misbranded within the scope of Section 3 (i) (zf) read with Section 23 and standard depicted on label with regard to Best Before Date is misleading within the meaning of Section 24 of FS&S Act, 2006. The FBO is engaged himself in unfair trade practices and has contravened Reg 2.2.1.3 of the FS&S Regulation, 2011.</p> <p>Learned Advocate appearing on behalf of the accused no.-1, the Government Polytechnic, Silli, Ranchi and is run and managed by Techno India, having its head office at Kolkata, which is approved by AICTE, New Delhi and is affiliated by SBTE, Jharkhand. This institution has got Hostel</p>	
--	---	--

Jomaha

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
1	2	3

~ 3 ~

facility of its own for outsider students and the said Hostel is run and managed by a contractor namely M/s Bikash Kumar Son of Surendra Prasad Singh. An agreement has been executed on 20.08.2013 with the said Contractor/Caterer for a period of 4 years for providing cooked food and other foods to the boarders/students staying the Hostel on certain terms and conditions. According the said contract, for violation/contravention of any of the provisions/section of the Food Safety and Standard Act, 2006, if any committed by the contractor /caterer will attract penal provision in accordance with law and the contractor/caterer would be solely responsible for the same. The college only provides space to the contractor/caterer for keeping raw materials, food grains etc.

According to the Learned Advocate appearing on behalf of the Accused No.-2, the Food Analyst report does not disclose that the product was adulterated or injurious for public health. The accused has not violated any provision specified for packing and labelling provision under regulation. Each and every label on the package bears Batch No with direction with regard to use it best before has been explained thereon. The accused no.-2 has not violated any provision either of the FS&S Act, 2006 or the provisions of Food Adulteration Act. it would be evident from the report itself

Yamini

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
1	2	3

~ 4 ~

that quality or purity of articles was not found below the specified standard and as such the said Papad was pure and not injurious to health.

Inspite of notice issued through registered post the contractor/caterer M/s Bikash Kumar Son of Sri Surendra Prasad Singh did not appeared before this court.

Having heard both the parties and on perusal of material available on record, I find that, it is clear from the report of food analyst that the sample Papad purchased from the accused is misbranded within the scope of Section 3 (i) (zf) read with Section 23 having misleading statement within the meaning of Section 24 of the FS&S Act, 2006. The said sample contravenes Reg. 2.2.1.3 of the FS&S (Packaging and Labelling) Regulation, 2011. The F.B.O has engaged himself in unfair trade practices and so the accused are guilty of offence laid under Section 52 & 53 of the FS&S Act, Hence under the facts and circumstances mentioned above, this proceeding is concluded with a penalty of Rs. ~~25000~~ *Twenty Five thousand only* /- (Rupees *Twenty Five thousand only* Only) upon the accused namely MD. M/s Rampratap Jagarnath Surana, Bikaner, Rajasthan and Contractor/Caterer M/s Bikash Kumar Singh Son of Surendra Prasad Singh, Techno India, Ramgarh Campus, Marbanda, Chitorpur, Ramgarh taking in consideration the amount of gain and unfair advantage made as result of contravention aforementioned.

[Signature]
4/2/18

आदेश क्र, संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
1	2	3

~ 5 ~

Let demand notice be issued upon the accused for 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