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केस का सं० और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारीख के साथ
1	2	3

30.01.2021	<p style="text-align: center;">IN THE COURT OF THE ADJUDICATING OFFICER – CUM – DEPUTY COMMISSIONER, RANCHI</p> <p style="text-align: center;"><u>F.S.S. Case No.-10/2017-18</u></p> <p>State Through Sri Krishna Prasad Singh Food Safety Officer, CS Office, Sadar Hospital Campus, Ranchi Complainant -Versus- 1- Managing Director, Az – Zeon Lifesciences Pvt Ltd, Village Kunje, Rampur Road, Paonta Sahib – 173025 (Himachal Pradesh) 2- Kedar Laguri Son of Arjun Laguri M/s 24 Fitness Centre C/o B -76, 1st Floor, Beside M.S. Dhoni House, Harmu Housing Colony, Ranchi - 834002Accused</p> <p style="text-align: center;">ORDER</p> <p>Present proceeding has been initiated upon the application for adjudication submitted vide Memo No.-128 dated 31.07.2017 by the Food Safety Officer, Ranchi and countersigned by the Designated Officer – Cum – ACOMO-1, Ranchi , wherein and whereunder they have prayed to summon the accused to stand trial and be punished U/s 52 of the Food Safety and Standard Act, 2006.</p> <p>Further I find that, Designated Officer – Cum – ACOMO-1, Ranchi vide No.128 dated 31.07.2017 has accorded sanction for prosecution against the accused.</p> <p>As per the application for adjudication, the complainant is appointed as Food Safety Officer under the provisions of the Food Safety and Standard Act, 2006. He is presently posted In Ranchi and employed to collect samples of food for analysis. On 29.06.2017 at 11:30 PM, the Complainant inspected the shop of the accused no.-1, where he found that the accused no.-2 was selling of food in the shop. The complainant intended to take the sample of Nutritional Shake Mix for the purpose of</p>	
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Signature of Authorised

Signature of Authorised Persons



ASSOCIATION, RANCHI

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analysis, for which he issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased 500 Grams X 4 Packet of Nutritional Shake Mix for the purpose of analysis. The Complainant thereafter divided the sample of the food into four parts in packets container, sealed in prescribed manner and wrapped the sample packets with paper slips duly signed by the Designated Officer bearing serial and Code RAN/1463. The Complainant also took the signature of the accused on the paper slip and wrapper of the sample packets. Thereafter the complainant prepared memorandum in form VI and sent part of the sealed sample alongwith Form VI to Food Analyst for analysis. He submitted the remaining parts of the same alongwith Form VI with the Designated Officer.

As per the report of the Food Analyst bearing Report No.-CM:96/FSSA/2017, it has been opined that, the sample in question taken for analysis violates 2.4.4.43 of Packaging and Labeling Regulation and 3.3.3. of Food Product Standard and Food Additives Regulation, hence misbranded U/s 3 (zf) (c) (i) of FS&S Act, 2006

In spite of repeated call no one appeared on behalf of the accused to argue the instant case, hence after hearing the Learned Government Pleader appearing on behalf of the State, the instant case was fixed for passing final order

According to the learned Government Pleader appearing on behalf of the State, the allegation leveled against the accused has been proved beyond doubt. According to the report of Food Analyst, the sample in question taken for analysis violates 2.4.4.43 of Packaging and Labeling Regulation and 3.3.3. of Food Product Standard and Food Additives Regulation, hence misbranded U/s 3 (zf) (c) (i) of FS&S Act, 2006, hence the accused is liable to be punished U/s 52 of the FS&S Act.

Having heard both the parties and on perusal of report I find that, the learned Food Analyst has opined that, as per list ingredients Fructo Oligo saccharide which is synonyms of Oligo fructose added in the sample is not permitted to be added in this product. Its declaration regarding addition is not in the prescribed form. The sample in question

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taken for analysis violates 2.4.4.43 of Packaging and Labeling Regulation and 3.3.3. of Food Product Standard and Food Additives Regulation and is misbranded U/s 3 (zf) (c) (i) of FS&S Act, 2006. Hence I find that the Accused is guilty of Offence U/s 52 of the FSS Act, 2006.

For the reasons aforementioned and taking into consideration the amount of gain, unfair advantage, etc made as a result of the contravention of the provisions of the Act of 2006 by the accused, this proceeding is concluded with a fine of Rs 25,000/- (Rupees Twenty five thousand Only).

Let demand notice be issued upon the accused for recovery of the said penalty in the name of Adjudication Officer-Cum-Deputy Commissioner, Ranchi through Demand Draft. In case the accused fails to deposit the penalty within the time stipulated in the demand notice, the authority concern shall recover the penalty by instituting certificate case under the Bihar Public Demand Recovery Act against the accused as provided U/s 96 of the Food Safety & Standard Act of 2006. Till then the license (if any) of the defaulter shall remain suspended. 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 License of the Accused

Communicate this order to the Food Safety Officer and Designated Officer for information and needful.

Dictated and corrected by me

[Signature]
30/11/21
Deputy Commissioner
Ranchi

[Signature]
30/11/21
Deputy Commissioner
Ranchi

order communicated to designated officer cum S.O Sedor Ranchi and Food Safety officer for information and n.a vide memo no 289(4) dt. 5-2-21

[Signature]
5-2-21

Signature of Authorised Person

Signature of Authorised Persons



DISTRICT BAR ASSOCIATION, RANCHI