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| केस का सं० आर तारिख | आदेश ओर पदाधिकारी का हस्ताक्षर | आदेश पर की गई कार्रवाई के बारे में टिप्पणी, तारिख के साथ |
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30.01.2021

IN THE COURT OF THE ADJUDICATING OFFICER - CUM - DEPUTY
COMMISSIONER, RANCHI

F.S.S. Case No.-13/2017-18

State

Through Sri Krishna Prasad Singh

Food Safety Officer,

CS Office, Sadar Hospital Campus, Ranchi

..... Complainant

-Versus-

1- Manoj Kumar Singh ,

M/s Panchsil Food Products Taigore Hill, Chirondi, Ranchi - 8

2- Md Zahid Alam Son of Late Aftab Alam

M/s Shifa Corner, Shop No.-4 (new)

Birsa Munda Bus Stand, Ranchi

..... Accused

ORDER

Present proceeding has been initiated upon the application for adjudication submitted vide Memo No.-144 dated 18.08.2017 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.

Further I find that, Designated Officer - Cum - ACOMO-1, Ranchi vide No.144 dated 18.08.2017 has accorded sanction for prosecution against the accused.

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 21.07.2017 at 01:15 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 Ayush Namkeen Bhujia for the purpose of analysis, for which he issued notice to the accused under Form V(A)

RANCHI DISTRICT BAR



ASSOCIATION, RANCHI

Signature of Authorised Persons

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intimating his intention. The complainant then purchased 170 Grams X 4 Packet of Ayush Namkeen Bhujia 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/1473. 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:183/FSSA/2017, it has been opined that, the sample in question taken for analysis violates 2.4.2.3 and its 3rd Proviso, 2.2.2.6, 2.2.2.7, 2.2.2.8 and 2.2.2.9 of Packaging and Labeling Regulation, hence misbranded U/s 3 (zf) (c) (i) of FS&S Act, 2006

Inspite 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 2.4.2.3 and its 3rd Proviso, 2.2.2.6, 2.2.2.7, 2.2.2.8 and 2.2.2.9 of Packaging and Labeling Regulation, hence misbranded U/s 3 (zf) (c) (i) of FS&S Act, 2006, as the ingredients, nutritional value, net weight, batch number, packaging date is not mentioned in the label. The manufacturing address is also incomplete and the description of transfat and saturated fat is also not mentioned in the label, hence misbranded U/s 3 (zf) (c) (i) of FS&S Act, 2006. 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, the label of the sample in

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question of Ayush Namkeen Bhujia does not carry basis information viz. the ingredients, nutritional value, net weight, batch number, packaging date. The manufacturing address is also incomplete. The description of transfat and saturated fat is also not mentioned in the label. The sample in question taken for analysis violates 2.4.2.3 and its 3rd Proviso, 2.2.2.6, 2.2.2.7, 2.2.2.8 and 2.2.2.9 of Packaging and Labeling 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



Deputy Commissioner
Ranchi


 Deputy Commissioner
Ranchi

*order communicated to
designated officer cum
s. no sador and
food safety officer
Ranchi for infor
mation and
necessary action
vide memo no
286 (U) dt.
5-2-21.*

RANCHI DISTRICT BAR ASSOCIATION, RANCHI

Signature of Authorised Persons

