

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

<p>16.10.2020</p>	<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.-22/2017-18</u></p> <p>State</p> <p>Through Sri Krishna Prasad Singh</p> <p>Food Safety Officer,</p> <p>CS Office, Sadar Hospital Campus, Ranchi ..... Complainant</p> <p style="text-align: center;">-Versus-</p> <p>1) The Managing Director</p> <p>Surajmal Ram Niwas Oils Mills Pvt Ltd</p> <p>A - 69 A, Road No.-1, D.VK1 Aera, Jaipur - 302013</p> <p>2) Tapas Kumat Chakraborty (ASM)</p> <p>M/s Bunge India Pvt Ltd</p> <p>C/o Arpit Enterprises, S No.-299.25 &amp; 312</p> <p>TMY, Pandra, Ranchi ..... Accused</p> <p style="text-align: center;">ORDER</p> <p>Present proceeding has been initiated upon the application for adjudication submitted vide Memo No.-244 dated 18.12.2017 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 persons to stand trial and be punished U/s 51 of the Food Safety and Standard Act, 2006.</p> <p>Further I find that, Designated Officer - Cum - ACOMO-1, Ranchi vide No.2113 dated 18.12.2017 has accorded sanction for prosecution</p>	
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against the accused no.- 1 & 2

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 and is presently posted in Ranchi and employed to collect samples of food for analysis. On 07.11.2017 at 03:45 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 Dalda Brand Mustard Oil for the purpose of analysis and issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased 200 ml X 4 Packet of Dalda Brand Mustard Oil for the purpose of analysis and thereafter the complainant divided the sample of the food into four parts in packets container and sealed in prescribed manner and wrapped the sample packets with paper slips, duly signed by the Designated Officer bearing serial and Code RAN/1574 and took the signature of the accused on the paper slip and wrapper of the sample packets and thereafter the complainant prepared memorandum in form VI and sent part of the sealed sample alongwith Form VI to Food Analyst for analysis and the remaining parts of the same alongwith Form VI were submitted with the Designated Officer.

As per the report of the Food Analyst bearing Report No.- CM:418/FSSAI/2017, it has been opined that sample in question taken for analysis i.e. Dalda Brand Mustard oil is substandard U/s 3 (zx) of FS&S Act, 2006 as its Bellies test is 31.5°C as against prescribed upto 27.5°C and violates 2.2.2.8 and 2.2.2.6 of Packaging and Labeling Regulation, hence misbranded under section 3(zf)(c)(i) of FS&S Act.

Heard both the parties, according to the learned Advocate



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appearing on behalf of the accused, the present complaint is bad for mis-joinder of respondent no.-2 and is therefore liable to be rejected on this score alone. The Respondent no.-2 is the brand owner of trade mark "Dalda" in India and has entered into an agreement on 03.10.2013 with Respondent No.-1 on the principal to principal basis to purchase from Respondent no.-1 of "Kachi Ghani" and Expeller Mustard oil and as per the aforesaid agreement, the respondent no.-1 shall solely be liable and responsible towards the quality and packaging of the product and the respondent no.-2 being a purchaser of the product should be considered as a customer.

On the other hand according to the learned Government Pleader appearing on behalf of the State, the allegation leveled against the accused has been proved beyond doubt as according to the report of Food Analyst, the sample of mustard oil sent for analysis was substandard U/s 3 (zf) as in its bellies test T temp is 31.5° C as against prescribed upto 27.5°C and as in the label description of the company pack plastic bottle, the batch number in the packet is not illegible and manufacturing address is also unsearchable, hence it also violates 2.2.2.8 and 2.2.2.6 of Packaging and Labeling Regulation and so the product in question is also misbranded under section 3(zf)(c)(i) of FS&S Act, hence the accused is liable to be punished U/s 51 and 52 of the FS&S Act.

Having heard both the parties and on perusal of report I find that, the sample in question taken for analysis i.e.e. Dalda Brand Mustard oil is substandard U/s 3 (zx) of FS&S Act, 2006 as its Bellies test is 31.5°C as against prescribed upto 27.5°C and violates 2.2.2.8 and 2.2.2.6 of Packaging and Labeling Regulation, and is misbranded under section 3(zf)(c)(i) of FS&S Act. Hence I find that the Accused are guilty of Offence



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U/s 51 & 52 of the FSS Act, 2006 and for the reasons aforementioned and taking into consideration the amount of gain and unfair advantage, 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 1,00,000/- (Rupees one lakh 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 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 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 and 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 Food Safety  
Officer Ranchi  
Designated Officer  
Ranchi for  
information and  
no vide memo  
no 1689 (1)  
dt- 7/12-20  
7/12-20