

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

09.12.2020

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

F.S.S. Case No.-03/2017-18

State
Through Dr Alok Kumar
M.O. District Leprosy Office
Vikash Bhawan, Ranchi Complainant

-Versus-

Mr Kamal Chhaparia Son of Late M.P. Chhaparia
M/s Manoj Kirana, West Market Road,
Upper Bazar, Ranchi Accused

ORDER

Present proceeding has been initiated upon the letter of adjudication submitted vide Memo No.-106 dated 15.07.2017 by the Food Safety Officer, Ranchi and countersigned by DO-Cum-ACMO-1, Ranchi, wherein and whereunder they have prayed for issuance of summon to the accused person to stand trial and be punished U/s 52 of the Food Safety and Standard Act, 2006.

Further I find that the DO-Cum-A.C.M.O, -1, Ranchi vide No.-106 dated 15.07.2017 has accorded sanction for the prosecution against the accused.

As per the application of adjudication , the complainant is appointed as Food Safety Officer under the provisions of FS&S Act, 2006 and is at presently posted in Ranchi and is employed to collect samples of food for analysis. On 10.06.2017 the Complainant inspected the shop of the accused, where he found that he was selling food in the shop. The complainant intended to take the sample of Vegetable Cooking Oil for the purpose of analysis and issued notice to the accused under Form V(A) intimating his intention. The complainant then purchased Vegetable Cooking 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

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RAN/1507 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:69/FSSAI/2017, the sample in question taken for analysis question violates 2.2.1.7, 2.2.2.3 (iii), 2.2.2.6, 2.2.2.8 and 2.4.2.11 of FS&S (Packaging and Labeling) Regulation, hence is mis-branded U/s 3(zf)(c)(i) of FS&S Act, 2006.

Heard both the parties. The learned Advocate appearing on behalf of the accused argued that, the accused is merely a trader of edible oil in the name and style of M/s Manoj Kirana and has no role whatsoever in carrying out any manufacturing of the sample in question and has nothing to do with the labeling, packaging or anything to carried out in relation thereto. The allegation of misbranding is governed in terms of Section 3 (zf) of the Act of 2006 and on conjoint reading of Section 3 (zf)(C)(i) and Section 52 of the Act of 2006, the proceeding with an allegation of misbranding if any shall be initiated against the manufacturer only. The report of the food analyst conform the prescribed standard regarding the quality of the food article collected for analysis, but violates the provisions laid under the FS&S (Packaging and Labeling) Regulation.

On the other hand according to the Learned Government Pleader appearing on behalf of the State, although the sample in question conforms the prescribed standard for mustard oil, but violates the provisions laid under 2.2.1.7 of FS&S (Packaging and Labeling) Regulation by not stating the FSSAI Logo and License number, 2.2.2.3 (iii) of the Regulation by not stating quantity of transfat and saturated fat, 2.2.2.6 of the Regulation by not mentioning the complete address, 2.2.2.8 of the Regulation by not stating Batch number, 2.4.2.1 of the Regulation by using the word "pure" and 2.4.2.11 of the Regulation by not stating the name of the oil and percentage and so it is proved beyond doubt that the sample in question violates 2.2.1.7, 2.2.2.3 (iii), 2.2.2.6, 2.2.2.8 and 2.4.2.11 of FS&S (Packaging and Labeling) Regulation, hence mis-branded

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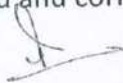
U/s 3(zf)(c)(i) of FS&S Act, 2006 and the accused are guilty of committing offence U/s 52 of the FS&S Act

Having heard both the parties and on perusal of report I find that, in absence of the FSSAI Logo and License number, quantity of trans fat and saturated fat, complete address of the manufacturer, Batch number, etc in the package and label of the sample in question, it is proved beyond doubt that the sample in question violates 2.2.1.7, 2.2.2.3 (iii), 2.2.2.6, 2.2.2.8 and 2.4.2.11 of FS&S (Packaging and Labeling) Regulation and the same is mis-branded 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 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-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 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.