

**FOOD SAFETY APPELLATE TRIBUNAL
JAIPUR, RAJASTHAN**

APPEAL NO.FA/0002/2017

Smt. Premlata W/o Omprakash Gupta, M/s Preeti Ice Cream and Food,
GI/563, Sitapura Industrial Area, Jaipur, 82-152, Chetak Marg, Pratap
Nagar, Jaipur

---APPELLANT

Vs.

State of Rajasthan, through Food Safety Officer, Office of Chief Medical and
Health Officer, Bhilwara

---RESPONDENT

Present :-

Shri Mayank Gupta, Advocate for appellant

Shri V.D. Gathala, Advocate for respondent

JUDGMENT

Date:- 26.04.2017

This is an appeal filed under Section 70 of the Food Safety & Standard Act 2006 (hereinafter referred as 'Act') against order dated 31.08.2016 passed in Case No.09/2015, State Vs. Shri Madan Lal & Anr. by Adjudicating Officer Bhilwara.

Food Safety Officer Bhilwara submitted a complaint before the Adjudicating Officer Bhilwara against appellant and Madan Lal stating therein that they violated the provisions of the Rule 26 of Food Safety & Standard Rules 2011 (herein after referred as 'Rule of 2011').

It is stated that Food Safety Officer Bhilwara took sample of ice candy brand dream bar orange omni which was being sold by Madan Lal. The same was found misbranded, therefore, complaint was filed against them.

Learned Adjudicating officer has exonerated Madan Lal, but imposed penalty of Rs.2,00,000/- against the appellant because food item was manufactured by Preeti Ice Cream & Foods, G-1/563 Sitapura Industrial Area, Tonk Road, Jaipur-302022.

Arguments heard.

Shri Mayank Gupta, learned advocate for appellant would argue that no notice was served upon the appellant by the learned Adjudicating Officer Bhilwara.

Shri V.D. Gathala, learned advocate for respondent was unable to rebut this contention from record.

It reveals from the impugned order that nobody was present on behalf of appellant before the adjudicating officer. It is nowhere mentioned in the impugned order that notice of proceeding was ever served upon the appellant.

Therefore, impugned order is liable to be quashed.

ORDER

The impugned order dated 31.08.2016 passed in Case No.09/2015, State Vs. Shri Madan Lal & Anr. by adjudicating officer Bhilwara against the appellant whereby a penalty of Rs.200000/- (in words Rupees Two Lacs only) was imposed, is hereby quashed.

Case is remanded to adjudicating officer Bhilwara. He shall decide the case after hearing both the parties.

Appellant shall remain present before the adjudicating officer on 8.5.2017. No fresh notice of hearing shall be issued by the adjudicating officer Bhilwara for appellant.

Fresh notice of hearing against Madan Lal will be issued by the adjudicating officer Bhilwara.

Adjudicating Officer Bhilwara shall decide the case before 30.06.2017.

Presiding Officer