

खाद्य सुरक्षा अपीलीय अधिकरण, जयपुर

एफए. प्रकरण संख्या : 0048/2017

1. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
2. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
3. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
4. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
5. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
6. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur.
7. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan.
8. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Appellants

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.

...Respondents

एफए. प्रकरण संख्या : 0076/2017

Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.
3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
4. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
5. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
6. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
7. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur.
8. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan.
9. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Performa Respondents

एफए. प्रकरण संख्या : 0077/2017

Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.

2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.

...Respondents

3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
4. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
5. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
6. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
7. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur.
8. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan.
9. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Performa Respondents

एफए. प्रकरण संख्या : 0078/2017

Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.

...Respondents

3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
4. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
5. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
6. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
7. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur.
8. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan.
9. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Performa Respondents

एफए. प्रकरण संख्या : 0079/2017

Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.

...Respondents

3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).

4. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
5. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
6. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
7. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur.
8. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan.
9. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Performa Respondents

एफए. प्रकरण संख्या : 0080/2017

Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.

...Respondents

3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
4. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
5. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.

6. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
7. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
8. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan.
9. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Performa Respondents

एफए. प्रकरण संख्या : 0081/2017

Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.  
...Respondents
3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
4. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
5. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
6. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
7. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner

8. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur
  9. Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan
- ...Performa Respondents

एफए. प्रकरण संख्या : 0082/2017

Director M/s G.D. Food Mfg. (India) Pvt. Ltd. SP-16, RIICO Industrial Area, Neemrana, District Alwar, Rajasthan

...Appellant

Versus

1. State of Rajasthan, through Food Safety Commissioner, Rajasthan, Swasthaya Bhawan, Medical & Health, C-Scheme, Jaipur.
  2. Sh. Murari Lal Sharma, Food Safety Officer, Office of Chief Medical & Health Officer, Bikaner.
- ...Respondents
3. Shankar Sachdeva S/o Shri HiraLal Sachdeva, M/s Punjab Store, Station Road, Bikaner, R/o A-48, Karni Agar, Pavanpuri, Bikaner (Rajasthan).
  4. Pavan Kumar Harsh, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
  5. Smt. Nisha Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
  6. Smt. Kiran Dujari, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner.
  7. Ms. Monika Kumari Bothra, M/s Pooja Marketing, C-24, Khanjanchi Market, Bikaner
  8. Pramod Sharma, M/s Pradeep Marketing, Kathiabari Hotel Complex, Kesharpura, Bhankrota, Jaipur
  9. Smt. Kusumlata Sharma, Pramod Sharma, M.s Pradeep Marketing, H-1/235, Mansarovar Industrial Area, Sanganer, Jaipur, Rajasthan
- ...Performa Respondents

उपस्थित:-

1. श्री मयंक गुप्ता अधिवक्ता अपीलार्थी
2. श्री वी.डी. गठाला, राजकीय अधिवक्ता विपक्षी/राज्य

:: आदेश ::

दिनांक : 06.12.2017

1. उक्त सभी अपील न्याय निर्णायक अधिकारी, बीकानेर के आदेश दिनांक 29.07.2016 के विरुद्ध प्रस्तुत हुई है।
2. अपील सुनवाई में यह प्रश्न आया कि न्याय निर्णायक अधिकारी ने 08 अपीलार्थी को अलग अलग नोटिस जारी नहीं किए हैं, अन्य पक्षकार की सूचना पर सभी अपीलार्थी उपस्थित हुए थे। इसप्रकार नोटिस की आज्ञापक प्रक्रिया की पालना नहीं हुई।
3. पत्रावली का अवलोकन किया। योग्य न्याय निर्णायक अधिकारी ने अपनी आदेशिका दिनांक 17.06.2016 व दिनांक 29.07.2016 में कौन पक्षकार आए हैं उसकी पहचान नाम से दर्ज नहीं की है। अतः यह नहीं कहा जा सकता कि कौन अपीलार्थी स्वयं उपस्थित रहा तथा कौन प्रतिनिधि के माध्यम से उपस्थित हुआ। पत्रावली की आदेशिका में शंकर सचदेवा, प्रमोद शर्मा व राकेश हर्ष के हस्ताक्षर हैं। ऐसी स्थिति में प्रकरण पुनः विधि अनुसार नए सिरे से सुनवाई करने के लिए प्रतिप्रेषित किया जाता है तथा आलौच्य आदेश दिनांक 29.07.2016 को अपास्त किया जाता है।
4. सभी पक्षकारान न्याय निर्णायक अधिकारी के समक्ष दिनांक 09.01.2018 को उपस्थित हो तत्पश्चात 30 दिन की अवधि में न्याय निर्णायक अधिकारी आवश्यक रूप से विधि सम्मत आदेश पारित कर देंगे। अब अलग से किसी पक्षकार को उपस्थित होने के नोटिस जारी किया जाना आवश्यक नहीं रहेगा। यदि कोई भी पक्षकार निर्धारित तिथि 09.01.2018 को न्याय निर्णायक अधिकारी के समक्ष उपस्थित नहीं होता है तो न्याय निर्णायक अधिकारी विधि अनुसार आगे कार्यवाही करने के लिए स्वतंत्र है। न्याय निर्णायक अधिकारी प्रकरण की कार्यवाही विवरण (आदेशिका) में उपस्थित पक्षकार अथवा उसके प्रतिनिधि की उपस्थिति नाम से दर्ज करेंगे। यह नहीं लिखा जायेगा कि संख्या



1, 2, ..... उपस्थित। यदि प्रतिनिधि उपस्थित रहता है तो उसके प्रतिनिधि होने का क्या प्रमाण पत्रावली पर है, यह भी स्पष्ट रूप से किया जायेगा। न्याय निर्णायक अधिकारी खाद्य सुरक्षा मानक रेग्युलेशन 2011 की धारा 68 की अक्षरशः पालना करेंगे। मूल पत्रावली लौटायी जावे।

(उमेश कुमार शर्मा)  
पीठासीन अधिकारी  
खाद्य सुरक्षा अपीलीय अधिकरण  
जयपुर

आदेश आज दिनांक 06.12.2017 को लिखाया जाकर सुनाया गया।

(उमेश कुमार शर्मा)  
पीठासीन अधिकारी  
खाद्य सुरक्षा अपीलीय अधिकरण  
जयपुर