

**FOOD SAFETY APPELLATE TRIBUNAL  
JAIPUR, RAJASTHAN**

APPEAL NO.FA/0015/2017

Ramesh Sindhi & Ors vs. Bhooram Ram Godara, FSO Barmer

APPEAL NO.FA/0052/2017

Chandra Prakash Sindhi & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0059/2017

Sunil Kumar & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0060/2017

Sunil Kumar & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0061/2017

Pawan Kumar & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0062/2017

Pawan Kumar & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0064/2017

Haider Ali & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0089/2017

Bhera Ram & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0090/2017

Kailash Sharma & Ors Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0112/2017

Ramesh Singh & Ors Vs. State of Rajasthan & Anr.

**AND**

APPEAL NO.FA/0091/2017

Anil Kumar & Anr Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0092/2017

Anil Kumar & Anr Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0093/2017

Anil Kumar & Anr Vs. State of Rajasthan & Anr.

APPEAL NO.FA/0025/2017

Manish Kumar & Ors Vs. State of Rajasthan & Anr.

**ORDER**

Date – 04.05.2018

In these matters and in some other matters pending before this Tribunal, almost in every case, certain common objections are raised by the appellants. Though, some

objections are specific to the concerned matter, but following objections are found to be similar in nature by this tribunal. Matters are being argued at different time by different learned advocates. In these circumstances, possibility of conflicting order on a common point cannot be overruled. Since this tribunal has been established vide notification F.34(9)M&H/Gr.-3/2012 dated 24.07.2015 and no past precedent of this tribunal is available on the common points raised by different appellants in different appeals. Although, reliance is placed by learned advocates on certain orders of coordinate tribunals functional in other States.

To avoid divergence of views upon common points raised in different appeals, it is decided that before attempting any final order/ judgment in any appeal pending before this tribunal, common point(s) of law raised in different appeals should be decided first. Therefore, it is proposed to hear erudite submissions of learned members of the Bar on following points –

- a) Whether procedure of Inquiry by Adjudicating Officer laid down in Rule 3.1 of Food Safety and Standard Rules 2011 envisage trial provided under Cr.P.C. 1973 ?
- (b) If provisions of Rule 3.1 of Food Safety and Standard Rules 2011 envisage regular trial, then what will be procedure?
- (c) Whether Adjudicating Officer is empowered to depart from the procedure laid down in Rule 3.1 ?
- (d) Is it mandatory for Adjudicating Officer to provide opportunity of cross examination of any witness desired by the non-applicant (Contravener)?
- (e) What is the effect of non-observance of any provision of Rule 3.1 Food Safety and Standard Rules 2011 by Adjudicating Officer?
- (f) What is the effect of report of Expert Group submitted before Hon'ble Supreme Court of India in Writ Petition (Civil) No.681 of 2004 regarding labelling provisions of carbonated beverages as laid down in Food Safety and Standards (Packaging and Labelling) Regulations 2011?
- (g) In matters of carbonated/ fruit/ other similar drinks, is it necessary to disclose identity of added natural, nature-identical and artificial flavouring substances?
- (h) What is the correct import of Section 3(p), 43 & 98 of FSSA 2006?
- (i) Is it mandatory to provide copy of the analysis report under Section 46(4) of the FSSA 2006 and Rule 2.4.6 of FSSR 2011 separately to manufacturer of the Food Product?
- (j) Whether Food Analyst or Referral Food Laboratory can give report in different format than provided under the Food Safety and Standards (Laboratory and sample analysis) Regulations 2011?

Learned Advocates may also submit points for determination which are commonly raised by appellants.

Suggestions are invited on the above referred points.

After finalisation of points for determination, this tribunal will hear all the interested parties along with *Amicus Curiae* to be appointed by this tribunal.

List the matter on **7th & 8<sup>th</sup> of May 2018**.

**(Umesh Kumar Sharma)**  
**Presiding Officer**