

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE CUM FOOD
SAFETY APPELLATE TRIBUNAL AT MAHABUBNAGAR**

Tuesday, the 27th day of June, 2017.

Present:- **Sri G.Venkata Krishnaiah,**
Prl. Sessions Judge,
Mahabubnagar.

Crl.A. No. 1 of 2017

Between:

Rajeev Ranjan Kumar Shukla S/o. SURENDRA SHUKLA,
age 39 yrs., Responsible person of M/s. Healthy Heart
Foods, Sy.No.118, Thimmapur village, Kothur mandal,
Mahabubnagar District, (Presently Ranga Reddy District).

... Appellant

And,

Dharmender Pala, Food Safety Officer, Mahabubnagar
District, O/o. the Gazetted Food Inspector, H.No.1-10-139,
Shasabgutta, Mahabubnagar.

...Respondent

Sub:- Memorandum of appeal against the order dt. 16.11.2016 passed
in case No.05105/2016 by the adjudicating officer & Joint Collector,
Mahabubnagar filed on behalf of the appellant U/s.71 of Food Safety &
Standards Act, 2006.

This case **came** up for final hearing before me **on 21-6-2017**, in the
presence of Sri. B.Satyanarayana Rao, Sri.Shaik Abdul Mujeeb, advocates for the
Appellant and **Sri.B. Bala Gangadhar Reddy, Public Prosecutor**, for the respondent
and upon perusing the documentary evidence on record, upon hearing the
arguments, and the matter having stood over for consideration, this Court
delivered the following:

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JUDGMENT

This appeal arise consequence of cotton seed oil sample collected by
Food Safety Officer on 30.11.2015 in the shop of M/s. Sree Balaji Agro oils,
Mahabubnagar and against the order of Joint Collector in Case No.05105 of
2016, dt. 16.11.2016.

2. The Food Safety Officer followed the rules regarding conducting of test on the sample being purchased 2 K.Gs of refined cotton seed oil. He divided the same into four parts and sent one part to the State Food Laboratory for analysis. He issued notice to the retail trader as well as the manufacturer about the contents of the sample in which it is stated that the cotton seed oil was not up to the standards prescribed and Halphen test showed weak positive nature whereas, it should be positive as standard. Ultimately the matter was taken before the authority under the Food Safety Act i.e., Joint Collector, Mahabubnagar who have conducted enquiry, imposed penalty of Rs.30,000/- to Proprietor of M/s. Sree Balaji Agro Oils, and Rs.3,00,000/- to M/s. Healthy Hearty Foods. The appellant is manufacturer of the edible oil.

3. At the time of arguments, it is stated that the adjudicating officer has not assigned any reasons for imposing the fine on appellant, that he has not followed the procedure prescribed, that he has not verified the documents along with complaint.

4. Now the point for consideration is;

Whether the appeal can be allowed ?

5. The appellant did not choose to prefer the sample part for analysis to the Center Food Laboratory so as to contest the claim of the complainant with regard to know about the standards of oil.

6. The edible oil is a commodity which is consumed by almost every citizen and maintenance of standards is the obligation of the manufacturer. The appellant did not bring on record any material to show that the defect

pointed out in the report of the State Food Laboratory is not of a serious nature.

7. Considering all these facts, it is essential that the order of the Joint Collector-cum- adjudicating officer, is upheld and accordingly, the appeal is dismissed.

8. In the result, this appeal is dismissed.

Dictated to Stenographer, transcribed, typed by him, corrected and pronounced by me in the open Court, this the 27th day of June, 2017.

Prl. Sessions Judge,
Mahabubnagar