



BEFORE THE COURT OF ADJUDICATING OFFICER, SRINAGAR
(FOOD SAFETY AND STANDARDS Under FSSA 2006)

(ADDITIONAL DEPUTY COMMISSIONER / ADDITIONAL DISTRICT MAGISTRATE)

Amar Nivas Complex, DC Office, Tankipore Srinagar-190001 Phone No:0194-2483229email: admsdnagar@gmail.com

eFile-No. 7601295(89.AUG.FSSA.2025)

Date of Decision: 23.08.2025

In the case
of

U.T of J&K through Food Safety Officer Zone-V, Srinagar

(Complainant,

v/s

1. M/S AL-TAQWA FOODS LASJAN-B (BANGAM) SRINAGAR, PROP.MOHAMMAD ALTAF CHANDINOO S/O MOHAMMAD YOUSUF CHANDINOO R/O HOUSE No.168 JAWHAR NAGAR SRINAGAR, FSSAI LICENSE NUMBER 11025430000003, universalbc111@gmail.com
2. M/S ASIM CHICKEN SUPPLIER, SHOP No.17 GHAZIPUR POULTRY MARKET DELHI-110096, FSSAI REG No.23321003000008, GHARALI MAYUR VIHAR, DELHI EAST

(Accused,

In the
matter of

Complaint under Section 26(1)(2)(ii) Punishable under Section 52 of the Food Safety & Standards Act, 2006 Rules and Regulations 2011 made there under.

A Food Safety surveillance drive was conducted by the Food Safety Department in District Srinagar on a telephonic complaint regarding supply/ storage of rotten meat by various cold storage proprietors. One of the raids conducted by the food safety department under the supervision of Assistant Commissioner, FSS Srinagar at Lasjan B falls within jurisdiction of Food Safety Zone-V of the District. The raid was conducted on the basis of complaint lodged by some locals on toll free No.104 that the cold storage existing in the vicinity emit a foul smell, raid was conducted on 07.08.2025. As per the records, the accused No.01 is registered under FSSAI Lic No. 11025430000003 for carrying trade/ retail/ wholesale of Meat and Meat products including poultry and game and fish and fish products. On reaching the spot, firstly they noticed that the Cold Storage was Off which is main reason that the foul smell was emitting. During the inspection of cold storage, the consignment of frozen packed chickens weighing 520 Kgs were found to be discolored, emitting a foul odor, and showing visible signs of decomposition. As such, the accused has contravened Section 26(2)(V) of Food Safety Standards Act, 2006 (34 of 2006) which is punishable under Section 56 of the said Act.

Section 56 of the Food Safety and Standards Act, 2006 provides that:
Any person who, whether by himself or by any other person on his behalf, manufactures or processes any article of food for human consumption under unhygienic or unsanitary conditions, shall be liable to a penalty which may extend to one lakh rupees.

The consignment in question was also without label, didn't contain any information such as date of packaging/ name of supplier/ quantity/ shelf life etc which is a clear violation of provisions of FSSA-2006 & as such, the accused has contravened Section **26(1)(2)(ii)** of Food Safety Standards Act, 2006 (34 of 2006) which is punishable under Section 52 of the said Act.

Section 52 of the Food Safety and Standards Act, 2006 provides that:

"Any Person who whether by himself or by any other person on his behalf manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is misbranded, shall be liable to a penalty which may be extended to Three Lakh Rupees".

After the conclusion of raid, the cold storage was seized and proprietor was asked not enter the premises till the competent authority issued directions in this regard and the FSSAI license of the proprietor was placed under suspension. The seized consignment was subsequently destroyed through scientific way.

The case in hand submitted by the FSO concerned before this Court for initiating adjudicating proceedings against the accused.

The case was fixed for hearing on 23.08.2025 & both accused No.01 & 02 and complainant was summoned. The accused parties were given fair opportunity to present their defense. Accused No.01 submitted that they had purchased the stock from accused No.02 and merely selling it. During the statement of the accused, it was clear that he does not having proper knowledge of this business because he was unable to differentiate the frozen item & chilled item which are two different items and for both these times there is an important thing is maintaining of prescribed temperature at cold storage differently as per the provisions of food Safety & standards act 2006, rules & regulations made thereunder. The accused himself confessed that the consignment in question is without label that is clear violation of Section **26(1)(2)(ii)** of Food Safety Standards Act, 2006 (34 of 2006) which is punishable under Section 52 of the said Act.

Accused No.02 proprietor of M/s **M/S ASIM CHICKEN SUPPLIER** denied the frozen chicken was rotten at the time of supply and he disclosed the whole procedure of the processing of the item in question from start till the packaging and its subsequent transportation but he also confessed the consignment in question was without label. In addition, the complainant also submitted that the accused No.01 behaved rudely during the raid even when they physically saw that the whole consignment was in decomposed stated which was also witnessed by the locals present at the site, but despite that accused was not ready to accept that the consignment is unsafe for human consumption. Even during the hearing before this Court, the accused No.01 did not seem remorseful.

After hearing both the sides in detail, the defense offered is unconvincing and does not absolve them of their responsibility to ensure the safety and quality of the food they supply. Every Food Business Operator (FBO), including a retailer, has a due diligence obligation under Section 26 & u/s 80 to ensure the food they sell is safe. A simple visual and factory check would have revealed the rotten state of the meat. Failure to exercise this basic duty makes them liable for selling unsafe food u/s 26(2)(i) & section 59 of FSSA-2006 provides that:

26. Responsibilities of the Food business operator. –

(1) Every food business operator shall ensure that the articles of food satisfy the requirements of this Act and the rules and regulations made thereunder at all stages of production, processing, import, distribution and sale within the businesses under his control.

(2) No food business operator shall himself or by any person on his behalf manufacture, store, sell or distribute any article of food– (i) which is unsafe; or

59. Punishment for unsafe food. –

Any person who, whether by himself or by any other person on his behalf, manufactures for sale or stores or sells or distributes or imports any article of food for human consumption which is unsafe, shall be punishable, –

- (i) where such failure or contravention does not result in injury, with imprisonment for a term which may extend to six months and also with fine which may extend to one lakh rupees;***
- (ii) where such failure or contravention results in a non-grievous injury, with imprisonment for a term which may extend to one year and also with fine which may extend to three lakh rupees;***
- (iii) where such failure or contravention results in a grievous injury, with imprisonment for a term which may extend to six years and also with fine which may extend to five lakh rupees; (iv) where such failure or contravention results in death, with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life and also with fine which shall not be less than ten lakh rupees.***

Given the gravity of the offence – supplying and selling rotten meat which poses a direct and severe threat to public health, a stringent penalty is warranted to act as a deterrent. They cannot take people for a ride. Supplying rotten meat for human consumption is not only unethical but it poses a grave threat to the health & lives of those who consume it. This Court deems it appropriate to impose the maximum fine as envisaged under relevant section of FSSA-2006. The violations falls u/s 26(2)(i)(ii)(v) punishable u/s 52, 55, 56 & 59 of FSSA-2006. In view of above explained facts & circumstances, this court has arrived at the conclusion that the accused have committed offence under section 26(2)(i)(ii)(v) punishable u/s 52, 55, 56 & 59 cannot go scot free for

violating of provisions of FSSA-2006. Therefore, a penalty of **Rs.5.00 lakhs** (Rupees five lakhs only) is imposed upon the accused as detailed below after considering all above sections mentioned & section 49:

Sr. No.	Name of Accused	Penalty Imposed (in lacs.)
1.	M/S AL-TAQWA FOODS LASJAN-B (BANGAM) SRINAGAR	2.00
2.	M/S ASIM CHICKEN SUPPLIER, SHOP No.17 GHAZIPUR POULTRY MARKET DELHI	3.00
	Total (Rupees five lakhs only)	5.00


The accused shall deposit the amount of penalty in Account No.CD-0367010200000445, J&K Bank Ltd, Tankipora of Adjudicating Officer, Food Safety and Standards, Srinagar. A copy of this order is to be served to both accused parties and also to complainant. The complainant shall ensure that accused deposit the penalty amount in the Account No. and also keep both accused under surveillance. The FSSAI license of the accused No.01 shall remain under suspension till the complainant are satisfied that the accused have taken all precautionary steps as required for operating business as prescribed/ laid down under provisions of FSSA-2006.

Besides, Food Safety Department shall establish the Mobile Nakas all along the National Highway for stringent inspection in order to check whether this chilled or frozen items are transported under norms/ cold chain maintained or otherwise and also they need to sensitize suppliers outside state that there shall be mention of full details of supplier to retailer on their bill invoice including the vehicle details etc so that in case of any negligence strict action shall be taken against the responsible firm/ company or individuals.

The accused is at liberty to challenge the Order/ decision before the appropriate forum (Appellate Tribunal), if aggrieved.

Interim order, if any, shall stand vacated. File be consigned to records after due procedure.

Announced
23.08.2025


ADJUDICATING OFFICER,
Food Safety and Standards
(Addl. District Magistrate / Addl. Deputy Commissioner), Srinagar
Date 11/09/25

No.AO-SGR/FSSA/2025/ 300-02.

Copy to the:

1. Designated Officer (Assistant Commissioner), Food Safety & Standard, Srinagar.
2. Food Safety Officer concerned for compliance.
3. Office records.