

➤ **General provisions relating to penalty**

While adjudging the quantum of penalty under this Chapter, the Adjudicating Officer or the Tribunal, as the case may be, shall have due regard to the following: -

- The amount of gain or unfair advantage, wherever quantifiable, made as a result of the contravention,
- The Amount of loss caused or likely to cause to any person as a result of the contravention,
- The repetitive nature of the contravention,
- Whether the contravention is without his knowledge, and
- Any other relevant factor,

➤ **Penalty for selling food not of the nature or substance or quality demanded**

Any person who sells to the purchaser's prejudice any food which is not in compliance with the provisions of this Act or the regulations made thereunder, or of the nature or substance or quality demanded by the purchaser, shall be liable to a penalty not exceeding five lakh rupees.

Provided that the persons covered under sub-section (2) of section 31, shall for such non-compliance be liable to a penalty not exceeding twenty-five thousand rupees.

➤ **Penalty for sub-standard 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 sub-standard, shall be liable to a penalty which may extend to five lakh rupees.

➤ **Penalty for misbranded 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 misbranded, shall be liable to a penalty which may extend to three lakh rupees.
- The Adjudicating Officer may issue a direction to the person found guilty of an offence under this section, for taking corrective action to rectify the mistake or such article of food shall be destroyed.

➤ **Penalty for misleading advertisement**

- (1) Any person who publishes, or is a party to the publication of an advertisement, which—
  - (a) falsely describes any food; or
  - (b) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.
- (2) In any proceeding the fact that a label or advertisement relating to any article of food in respect of which the contravention is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the contravention was committed.

➤ **Penalty for food containing extraneous matter**

Any person 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 containing extraneous matter, shall be liable to a penalty which may extend to one lakh rupees.

➤ **Penalty for failure to comply with the directions of Food Safety Officer**

If a food business operator or importer without reasonable ground, fails to comply with the requirements of this Act or the rules or regulations or orders issued thereunder, as directed by the Food Safety Officer, he shall be liable to a penalty which may extend to two lakh rupees.

➤ **Penalty for unhygienic or unsanitary processing or manufacturing of food**

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.

➤ **Penalty for possessing adulterant**

- (1) Subject to the provisions of this chapter, if any person who whether by himself or by any other person on his behalf, imports or manufactures for sale, or stores, sells or distribute any adulterant shall be liable –
  - (i) where such adulterant is not injurious to health, to a penalty not exceeding two lakh rupees;
  - (ii) where such adulterant is injurious to health, to a penalty not exceeding ten lakh rupees.
- (2) In a proceeding under sub-section (1), it shall not be a defence that the accused was holding such adulterant on behalf of any other person.

➤ **Penalty for contraventions for which no specific penalty is provided**

Whoever contravenes any provisions of this Act or the rules or regulations made thereunder, for the contravention of which no penalty has been separately provided in this Chapter, shall be liable to a penalty which may extend to two lakh rupees.

➤ **Penalty for contravention of provisions of this Act in case of import of articles of food to be in addition to penalties provided under any other Act**

- (1) Any person who imports any article of food which is in contravention of the provisions of this Act, rules and regulations made thereunder, shall, in addition to any penalty to which he may be liable under the provisions of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) and the Customs Act, 1962 (52 of 1962) be also liable under this Act and shall be proceeded against accordingly.
- (2) Any such article of food shall be destroyed or returned to the importer, if permitted by the competent authority under the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or the Customs Act, 1962 (52 of 1962), or any other Act, as the case may be.

➤ **Appeal**

- (1) Any person aggrieved by a decision or order of a Special Court may, on payment of such fee as may be prescribed by the Central Government and after depositing the amount, if any, imposed by way of penalty, compensation or damage under this Act, within forty-five days from the date on which the order was served, prefer an appeal to the High Court:

Provided that the High Court may entertain any appeal after the expiry of the said period of forty-five days, if it is satisfied that the appellant was prevented by sufficient cause for filing the appeal within the said period.

- (2) An appeal preferred under this section shall be disposed of by the High Court by a bench of not less than two judges.

➤ **Recovery of penalty**

A penalty imposed under this Act, if it is not paid, shall be recovered as an arrear of land revenue and the defaulter's licence shall be suspended till the penalty is paid.