

(HBL)

No. P.15017/121/2015/FSSAI/Legal
Food Safety and Standards Authority of India
(Legal Division)
A Statutory Authority established under Food Safety and Standards Act, 2006
FDA Bhawan, Kotla Road, New Delhi - 110002

The 24th of October, 2015

Office Order

Subject: Adjudication proceedings initiated under section 68 of FSS Act, 2006 wherein infringement of PFA Act and Rules is involved.

Whereas Food Safety and Standards Act, 2006, hereinafter referred to as FSS Act and the Rules and Regulations made thereunder, is under implementation from 2011.

2. Section 97 and Section 98 of FSS Act read as under :-

" 97. Repeal and savings.

(1) With effect from such date as the Central Government may appoint in this behalf, the enactment and Orders specified in the Second Schedule shall stand repealed:

Provided that such repeal shall not affect:—

- (i) the previous operations of the enactment and Orders under repeal or anything duly done or suffered there under; or
- (ii) any right, privilege, obligation or liability acquired, accrued or incurred under, any of the enactment or Orders under repeal; or
- (ii) any penalty, forfeiture or punishment incurred in respect of any offences committed against the enactment and Orders under repeal; or
- (iv) any investigation or remedy in respect of any such penalty, forfeiture or punishment,

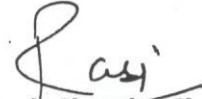
and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed:

(2) If there is any other law for the time being in force in any State, corresponding to this Act, the same shall upon the commencement of this Act, stand repealed and in such case, the provisions of section 6 of the General Clauses Act, 1897(10 of 1897) shall apply as if such provisions of the State law had been repealed.

(3) Notwithstanding the repeal of the aforesaid enactment and Orders, the licences issued under any such enactment or Order, which are in force on the

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4. Except where FSS Act, 2006, Rules and Regulations are not encompassing certain subjects, necessary action, according to facts and circumstances of the case can be taken by concerned Central Licensing Authority/Designated Officer/Authorised Officer/Competent Authority subject to condition that such action explicitly comes under purview of Section 98 of FSS Act.



(Rakesh Chandra Sharma)
Director (Enforcement)

Copy to:

1. All Divisional Heads
2. All Central Licensing Authorities/Designated Officers
3. All Authorised Officers