



TAMIL NADU GOVERNMENT GAZETTE

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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

HEALTH AND FAMILY WELFARE DEPARTMENT

Tamil Nadu Food Safety Appellate Tribunal Rules, 2018.

[G.O. Ms. No. 226, Health and Family Welfare (M1), 11th June 2018,
வைகாசி 28, விளம்பி, திருவள்ளூர் ஆண்டு-2049.]

No. SRO A-38/2018.—

In exercise of the powers conferred by Section 94 read with sub-section (2) of Section 70 of the Food Safety and Standards Act, 2006 (Central Act No.34 of 2006), the Governor of Tamil Nadu hereby makes the following Rules:-

RULES.

1. Short title.- These rules may be called the Tamil Nadu Food Safety Appellate Tribunal Rules, 2018.

2. Definitions.- In these rules, unless the context otherwise requires,-

(a) "Advocate" means a person who is entitled to practice the profession of law under the Advocates Act, 1961 (Central Act No.25 of 1961).

(b) "Appellate Tribunal" means the Food Safety Appellate Tribunal constituted under section 70 of the Act.

(c) "Presiding Officer" means a person appointed as Presiding Officer of the Appellate Tribunal under Section 70 of the Act.

(d) "Registrar" means the Registrar of the Appellate Tribunal and includes an officer of such Appellate Tribunal who is authorized by the Presiding Officer to function as Registrar.

(e) "Registry" means the registry of the Appellate Tribunal.

3. Area of jurisdiction.- The area of jurisdiction of the Appellate Tribunal is the whole of the State of Tamil Nadu.

4. Sitting hours of the Appellate Tribunal.- The Sitting hours of the Appellate Tribunal shall ordinarily be from 11 a.m. to 1.30 p.m. and from 2.30 p.m. to 5 p.m. subject to any order issued by the Presiding Officer.

5. Working hours of the Appellate Tribunal.- (1) The office of the Appellate Tribunal shall remain open on all working days on which the State Government Offices remain open and the working hours of the office of the Appellate Tribunal shall be as applicable to working hours of the State Government in which the Appellate Tribunal is located.

(2). The filing counter of the Registry shall remain open on all working days from 11 a.m. to 4.30 p.m.

6. Language of the Appellate Tribunal.- (1) The proceedings of the Appellate Tribunal shall be conducted in English.

(2) No document filed in the proceedings before the Appellate Tribunal in any language other than English, shall be accepted by the Appellate Tribunal unless the same is accompanied by a true copy of the translation thereof in English.

7. Official seal of the Appellate Tribunal.- (1) The official seal of the Appellate Tribunal shall be such, as the Presiding Officer may from time to time specify.

(2). The official seal of the Appellate Tribunal shall be kept in the custody of the Registrar.

(3). Subject to any general or special direction given by the Presiding Officer, the official seal of the Appellate Tribunal shall not be affixed to any order, summons or other process, save under the authority in writing from the Registrar.

(4). The official seal of the Appellate Tribunal shall not be affixed to any certified copy issued by the Appellate Tribunal, save under the authority in writing of the Registrar.

8. Format of order or direction.- Every direction, order, summons, warrant or other mandatory process shall be issued in the name of the Presiding Officer and shall be signed by the Registrar or any other officer specifically authorized in that behalf by the Presiding Officer, with the day, month and year of signing and shall be sealed with the seal of the Appellate Tribunal.

9. Carry forward of cause list and adjournment of cases on account of non-sitting of the Appellate Tribunal.- If by reason of declaration of holiday or for any other unforeseen reason, the Appellate Tribunal does not function for the day, the Daily Cause List for that day shall, unless otherwise directed, be treated as the Daily Cause List for the next working day, in addition to the cases already posted for that day.

10. Record of Proceedings.- Case diaries, in each appeal, shall be kept by the clerk-in-charge in such Form as may be specified by the Presiding Officer and shall be written legibly. The diary in the main file shall contain a concise history of the appeal or petition or application and the substance of the order passed thereon.

11. Order sheet.- (1). Order sheet shall be maintained in every proceeding and shall contain all orders passed by the Appellate Tribunal from time to time.

(2). Order sheet shall also contain the reference number of the appeal or petition or application, date of order and all incidental details including short cause title thereof.

12. Calling of cases in the Appellate Tribunal.- Subject to any direction that may be given by the Presiding Officer, the clerk-in-charge shall call the cases listed in the cause list in the serial order.

13. Issue of Notice.- (1). Where notice of an appeal or petition or application is issued by the Appellate Tribunal, copies of the same, the Affidavit in support thereof and the copy of other documents filed therewith, if any, shall be served along with the notice on the other side.

(2). The aforesaid copies shall show the date of presentation of the appeal or petition or application and the name of the advocate of such party, with his full address for service and the *interim* order, if any, made thereon.

(3). The Appellate Tribunal may order for issuing notice in appropriate cases and also permit the party concerned for service of the said notice on the other side by private service and in such case, deliver the notice to such party and it is for such party to file affidavit of service with proof.

14. Summons.- Whenever summon or notice is ordered by private service, the appellant or applicant or petitioner as the case may be, unless already served on the other side in advance, shall arrange to serve the copy of appeal or application or petition by registered post or courier service and file affidavit of service with its proof of acknowledgment before the date fixed for hearing.

15. Issue of fresh Notice.- If any notice could not be served in person or if sent by registered post or speed post is returned unserved, that fact and the reason thereof shall be notified immediately on the notice board of the Registry. The appellant or applicant or petitioner shall within seven days from date of such notification take steps to serve the notice afresh.

16. Consequence of failure to take steps for issue of fresh Notice.- Where after a summon has been issued to the other side and returned unserved and the appellant or applicant or petitioner, as the case may be, fails to take necessary steps within the period specified in rule 15, the Registrar shall post the case before the Appellate Tribunal for further directions or for dismissal for non-prosecution.

17. Default of appearance of respondent and consequences.- Where the respondent, despite effective service of Summons or notice on him does not appear before the date fixed for hearing, the Appellate Tribunal may proceed to hear the appeal or application or petition ex-parte and pass final orders on merits.

18. Filing of objections by respondent.- (1). The respondent, if so directed by the Appellate Tribunal, shall file objections or counter within the time allowed by the Appellate Tribunal. The objections shall be verified as an appeal or petition and wherever new facts are sought to be introduced for the first time, leave of the Appellate Tribunal shall be obtained.

(2). The respondent, if permitted to file objections or counter in any proceeding shall also file three copies thereof after serving copies of the same on the appellant or applicant or the petitioner or their Advocate on record or the authorized representative, as the case may be.

19. Inspection of records.- (1) The parties to any proceedings before the Appellate Tribunal or their Advocate or the authorized representative may be allowed to inspect the records of such proceedings by making an application in that behalf to the Registrar on payment of a fee of Rs.100/- (Rupees one hundred only) per inspection in the form of demand draft drawn in favour of "The Registrar, Tamil Nadu Food Safety Appellate Tribunal" and payable at the place where the Appellate Tribunal is located.

(2). Every application for inspection of record along with the fee, shall be presented at the filing counter of the Registry between 10.30 a.m. and 3 p.m. on any working day and three days before the date on which the inspection is sought, unless otherwise permitted by the Registrar.

20. Grant of inspection.- On receipt of an application under rule 19, the Registry shall submit the same with its remarks before the Registrar, who shall, on consideration of the same, pass appropriate orders.

21. Mode of inspection.- (1). On grant of permission for inspection of the records, the Registry shall arrange to procure the records of the case and allow inspection of such records on the date and time fixed by the Registrar in the immediate presence of an officer authorised in that behalf.

(2). The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to the records in the course of inspection.

(3). The person inspecting the records shall not make any marking on any record or paper so inspected and taking notes, if any, of the documents or records inspected may be done only in pencil.

(4). The Officer of the Registry supervising the inspection may at any time prohibit further inspection, if in his opinion, any of the records are likely to be damaged in the process of inspection or the person inspecting the records has violated or attempted to violate the provisions of these rules and shall immediately make a report about the matter to the Registrar and seek further orders from the Registrar.

22. Maintenance of Register of Inspection.- The Registry shall maintain a Register for the purpose of inspection of documents or records and shall obtain therein the signature of the person making such inspection on the Register as well as on the application on the conclusion of inspection.

23. Application for production of documents and form of summons.- (1) Except as otherwise provided hereunder, discovery or production and return of documents shall be regulated by the provisions of Civil Procedure Code, 1908 (Central Act No.5 of 1908).

(2). An application for summons to produce documents shall set out the documents production of which is sought; the relevancy of the documents and in case where the production of a certified copy would serve the purpose, whether application was made to the proper/officer and the result thereof.

24. Suo motu summoning of documents.- Notwithstanding anything contained in these rules, the Appellate Tribunal, may, *Suo motu*, issue summons for production of public document or other documents in the custody of a Public Officer

J. RADHAKRISHNAN,
Principal Secretary to Government.