

Dated, the 10th November, 2022

ORDER

Ease of doing business: Capping of penalties due to delay in submission of Annual Returns

Clause 2.1.13 of Food Safety and Standards (Licensing and Registration of Food Businesses) Regulation, 2011 specifies the condition for submission of Annual Returns by Manufacturers and Importers by 31st May of every year. Further, it specifies the penalty for delay in submission of Annual Return as Rs 100 per day beyond 31st May. However, there is no provision in the said regulation for the capping of the maximum amount of penalty levied due to non-submission of Annual Return. It has been noted that an inadvertent lapse of non-submission of Annual Return has rendered Food Business Operators liable for hefty penalties.

2. In this regard, in order to reduce the burden on the food businesses owing to accumulated penalties, the Food Authority has decided to **substitute** the clause 2.1.13 (3) of the FSS (Licensing and Registration of Food Businesses) Regulations, 2011 with the below stated clause:

“(3) Any delay in filing return beyond 31st May of each year shall attract a penalty of Rs. 100 per day for delay till the date of filing the return. The maximum penalty that can be levied shall not exceed 5 times the annual fees.”

3. This will come into the effect from FY 2021-22 onward for which the extended last date of return was 30th June 2022. Further, the amount of penalty levied due to delay in submission of Annual Return wef FY 2021-22 [subject to maximum penalty levied shall not exceed 5 times the annual license fee] shall be required to be paid by the food businesses before applying for renewal of their licenses.


(Inoshi Sharma)

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To,

1. All Food Business Operators, Associations, Food Safety Mitra and other stakeholders
2. Commissioner of Food Safety of All States/UTs and Directors of all Regional Offices, FSSAI
3. CITO- to upload on FSSAI's website

Copy for information to-

1. PPS to Chairperson, FSSAI- For information
2. PS to CEO, FSSAI- For information
3. Head (RCD)