

**Bureau of Indian Standards  
(ERO – Kolkata)**

Eastern Regional Office  
1/14, CIT Scheme VII M,  
VIP road, Kankurgachi  
Kolkata – 700054 (W.B)

**ORDER**

Our Ref.: DDGE/22.8/RPBO/Orchid Industries

Date: 24 April ,2019

**Subject: Compounding of offence by M/s Orchid Industries, Plot No.76-O, Industrial Sector Area-B, Sirigitti, Bilaspur, Chhattishgarh.**

1. M/s. Orchid Industries, Plot No.76-O, Industrial Sector Area -B, Sirigitti, Bilaspur, Chhattishgarh on 12/07/2018 has applied to the Bureau of Indian Standards (BIS), Raipur Branch Office (RPBO) for obtaining the BIS Certification licence for their product Packaged Drinking Water (Other than Packaged Natural Mineral Water) as per IS 14543:2016.
2. While the application was under scrutiny, a complaint was received on 02/08/2018 from Mr. Amrit Lal Daharia of M/s. Ashish Beverages, Bilaspur, Chhattishgarh {who is holding a valid BIS Certification licence no.CM/L-8836396 for their product Packaged Drinking Water (other than Packaged Natural Mineral Water) as per IS 14543 : 2016 } informing that M/s. Orchid Industries, Bilaspur was manufacturing Packaged Drinking Water (PDW) by misusing BIS Certification Licence no. CM/L-8836396 with brand name 'Khatri Orchid'.
3. A search & seizure operation was carried out on 07/08/2018 at M/s. Orchid Industries, Plot No.76-O, Industrial Sector Area -B, Sirigitti, Bilaspur, Chhattishgarh by the Raipur Branch Office (RPBO) of the Bureau . During search & seizure operation following material were found available & seized
  - a) 368 PE Bags each contained 250 ml PE Pouch with ISI Mark, CM/L- 8836396 without batch no. and date of manufacturing, brand 'Khatri Orchid';
  - b) 250 meters of LDPE Pouch film rolls with ISI Mark, CM/L- 8836396 without batch no. and date of manufacturing, brand 'Khatri Orchid' &
  - c) 1234 Pcs empty Cartoon Boxes with ISI Mark, CM/L- 8836396 without batch no. and date of manufacturing, brand 'Khatri Orchid' for packing of 1 Ltr PET Bottle.
4. A notice for closure of application was issued to M/s. Orchid Industries, Bilaspur, Chhattishgarh on 05/10/2018 by Scientist-F & Head (RPBO), Raipur giving a time of 21 days for their explanation, which was duly received by the representative of M/s. Orchid Industries, Bilaspur, Chhattishgarh on 05/10/2018 . Since no reply was received, the application of M/s. Orchid Industries, Bilaspur, Chhattishgarh dated 12 July 2018 for obtaining the BIS Certification licence was closed by Sc-F & Head (RPBO) on 28/11/2018.
5. M/s. Orchid Industries, Bilaspur, Chhattishgarh has made the application to the Bureau on 29/11/2018 in the specified proforma for compounding of offence vide which they have accepted the commission of offence for misuse of BIS Standard Mark on Packaged Drinking Water, without having a valid BIS licence from the Bureau.

Sc-F & Head(RPBO) forwarded the application of M/s. Orchid Industries, Bilaspur, Chhattisgarh along with his report to the Eastern Regional Office of the Bureau on 16 January 2019. Some additional information was also provided by Sc-F & Head (RPBO) on 01 February 2019 for processing the case further.

6. In accordance with Rule 50 (4) of the BIS Rules, 2018, \* M/s Orchid Industries, Bilaspur, Chhattisgarh was given personal hearing on 26/02/2019 at BIS, Eastern Regional Office, Kolkata during which following facts were brought into record:
  - a) M/s. Orchid Industries was marketing agency of M/s. Ashish Beverages, Bilaspur (Chhattisgarh) for their product Packaged Drinking Water (other than Packaged Natural Mineral Water) as per IS 14543 : 2016 , upto 10/07/2018. The complete manufacturing facilities at M/s Orchid Industries, Bilaspur (Chhattisgarh) along with power connection was installed on 07/07/2018. Search & seizure operation was carried out by RPBO of the Bureau at M/s. Orchid Industries on 07/08/2018. The representative of M/s Orchid Industries, Bilaspur (Chhattisgarh) accepted violation of Section 17 (3) of BIS Act,2016 by manufacturing Packaged Drinking water with BIS Standard mark without having valid licence from the Bureau and submitted undertaking on non judicial stamp paper duly notarised , promising that such violation will not take place in future by them,
7. Considering the facts during the hearing held on 26/02/2019 at BIS, Eastern Regional Office, Kolkata and acceptance by the applicant for the misuse of BIS Standard Mark, M/s Orchid Industries, Bilaspur, Chhattisgarh has violated the provisions of Section 17 (3) of the BIS Act, 2016.
8. Now the undersigned as the compounding officer authorized by the Director General, Bureau of Indian Standards, vide office order no. BIS/DGO(450)/2018 dated 09 July 2018, in exercising the power, and taking all facts into consideration , hereby decide to impose a fine of Rs.2,97,800/- (Rupees Two Lac Ninety seven thousand eight hundred only) on M/s. Orchid Industries, Bilaspur, Chhattisgarh as per Rule 50 of the BIS Rules, 2018. The applicant shall pay the said amount of Rs.2,97,800/- (Rupees Two Lac Ninety seven thousand eight hundred only) to the Bureau within 30 days from the date of receipt of this order failing which legal actions will be initiated against M/s. Orchid Industries, Bilaspur, Chhattisgarh, as per provisions in BIS Act ,2016 , Rules and Regulations framed thereunder.
9. As per Rule 51 of the BIS Rules,2018, I am satisfied that Shri Naresh Khatri, Proprietor of M/s. Orchid Industries has cooperated in the proceedings and had shown keen interest for obtaining the BIS Certification Licence in the new premises after decision of the case. Therefore, I grant the immunity from prosecution under the BIS Act,2016 for the aforesaid offence, subject to payment of the fine amount to the Bureau within the stipulated period , as the prosecution has not been instituted so far with respect to this case so compounded.

  
(K.C.S.Bisht)  
Scientist 'G' & DDG(ERO)

M/s. Orchid Industries  
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