

GOVT. OF NCT OF DELHI
OFFICE OF THE SPECIAL COMMISSIONER / APPELLATE AUTHORITY
DEPARTMENT OF FOOD, SUPPLIES AND CONSUMERS AFFAIRS
K - BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI - 110002.

No.: Spl.Com./AA/FPS Appeal/F&S/2025/1197-99

Dated: 07/11/2025

REVIEW APPEAL NO. 17/2022
APPEAL NO. 87/2016

In the matter of:

M/s Mohit Store
F7/443, Sultanpuri, Delhi - 110 086, AND
R/o A-45, Raj Park, Sultanpuri,
Delhi-110086.
Through Sh. Anil Kumar

Versus

The Assistant Commissioner (North-West)
Department of Food Supplies & Consumer Affairs,
GNCT of Delhi.

ORDER

This Order shall dispose of the Review Appeal dated 31-05-2022 filed by the appellant, Sh. Anil Kumar of M/s Mohit Store having premises at F7/443, Sultanpuri, Delhi - 110 086 and having R/o A-45, Raj Park, Sultanpuri, Delhi-110086 for Review of Order of Appellate Authority dated 19-05-2016, under Delhi Specified Articles (Regulation of Distribution) Order 1981 and Public Distribution System Order, 2001.

1. The Brief Facts of the case are as under:-

- i. That the Appellant has stated that the respondent raised vacancies for fair price shop in North-West Distt, Dehi. It was categorically decided that the preference shall be given to the Handicapped persons for running said fair price shop. Apart from this, there was other conditions for allotment of FPS such as educational qualification, measurement of shop, financial soundness etc. The appellant fulfilled all the conditions as required under Order the policy for issue of license of fair price shop (FPS) in Delhi dated 27-07-2015.

[Handwritten Signature]

- ii. That the appellant being handicapped and unemployed person have applied for allotment of FPS vide application dated 28-10-2014 and along with submitted all the relevant document.
 - iii. And that the respondent sent meeting notice dated 20-08-2015 thereby called the appellant to appear before the Selection Board. As per clause 11 (iii) of Order dated 27-07-2015, the applicants who are found eligible and whose premises meet the criteria specified in the guidelines will be called for interview by the Committee Comprising of DM/DC (Revenue), Chairman & 2 Asstt. Commissioners as Member and Member Secretary.
 - iv. And that on 27-08-2015, the appellant appeared before the Selection Board and provided all his original documents.
 - v. And that the respondent vide letter dated 19-09-2015 rejected the candidature of the appellant without giving any opportunity of being heard and without any proper reason.
2. The Appeal of the appellant has already been decided vide Appeal no. 87/2016 vide No. PS/SS(Admn)/PFS Appeal/F&S/2016/416-417 dated 19-05-2016 considering following contentions-

"... 3. The Appellant in his review appeal has stated the following:

- i. *That the respondent raised vacancies for FPR in District North West. It was categorically stated that preference shall be given to the Handicapped persons for running the said FPs. Apart from this, there were other conditions for allotment of FPs such regarding educational qualification, measurement of shop, financial soundness, etc.*
- ii. *That the appellant being a handicapped and unemployed person have applied for allotment of FPs vide application dated 28.10.2014 and submitted all then required documents. The applicant has also submitted handicapped certificate, mark sheet of 12th class, required documents of shop stating thereby measurement of shop, front road size of shop, letter from local MLA, financial soundness etc. The said application of the appellant was duly acknowledged by the respondent vide receipt no. 000079006 dated 28.12.2014.*
- iii. *That the respondent sent a meeting notice dated 20.08.2015 thereby called the appellant to appear before Selection Board, consisting of Dy. Commissioner (Revenue), North West Distt., AC (NW) and AC (North) District.*
- iv. *That on 00.08.2015 the appellant appeared before the Selection Board and submitted all his original documents.*
- v. *That the respondent vide letter dated 19.9.2015 rejected the candidature of the appellant without assigning any reason.*
- vi. *That the respondent has given no reason for rejecting the candidature of the appellant and therefore the impugned orders are baseless, malafide and are based on surmises and conjectures, therefore the impugned order dated 19.9.2015 is liable to be set aside and quashed.*

[Signature]

vii. That the respondent did not adopt the due procedure of law while allotting the FPS. That the respondent has considered the fact that the appellant is handicapped and is fulfilling all the requirements but he became victim of partiality and therefore the impugned order dated 19.9.2015 is liable to be set aside in the interest of justice....

6. I have gone through the documents placed before me in the matter. I have also heard the Appellant. The appellant's contention that his application for allotment of FPS was rejected in spite of his being a handicapped person does not hold water in view of the fact that the Selection Board considered his application on merit but found that the appellant was having an AAY card bearing no. 077003580896 which shows that the applicant is not financially sound as AAY card is issued to the very poor people. This is important that this card was cancelled but he again applied in AAY category which also raised question on his credentials. The Licensing Authority, AC (North-West) has also informed during the hearing in this case that the appellant had shown a bank balance of Rs. 84,000 along with papers submitted by him with his application for the allotment of FPS. Besides, the Licensing Authority, AC (North-West) has also shown two photographs to the Appellant Authority during the hearing in this case which shows that there was no shutter in the business premises of the appellant. I, therefore, agree with the decision of the Selection Board that the appellant does not fulfill the requirement for allotment of FPS in this case.

7. In view of the above, I do not find any merit in the appeal and therefore reject the same. As a result, the order dated 19.09.2015 passed by the Licensing Authority, AC (North-West) is upheld...."

3. After hearing the contentions, examining the written submissions and perusing other relevant records placed in the case file, it is noted that-
 - i. That the appeal has already been decided vide Appeal no. 87/2016 and conveyed vide No. PS/SS(Admn)/PFS Appeal/F&S/2016/416-417 dated 19-05-2016.
 - ii. And that no new material fact, which has not already been considered, is placed on record.
4. In the light of the aforesaid, the instant Review Appeal is devoid of any merit, and is accordingly dismissed.
5. Parties be informed accordingly.


(ARUN KUMAR JHA)
Special Commissioner (F&S)/
Appellate Authority

No.: Spl.Com./AA/fPS Appeal/F&S/2024/1197-99

Dated: 07/11/2025

Copy to:

1. The Asstt. Commissioner (North-West), F&S Department, GNCT of Delhi.
2. Sh. Anil Kumar of M/s Mohit Store having premises at F7/443, Sultanpuri, Delhi - 110086 and having R/o A-45, Raj Park, Sultanpuri, Delhi-110086.
3. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, New Delhi with the direction to upload the Order on Departmental website.

(ARUN KUMAR JHA)
Special Commissioner (F&S)/
Appellate Authority