

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/2026/22-24

Dated: 06/01/2026

APPEAL NO. 03/2025

In the matter of:

M/s Keshav Store
FPS No. 8921, Circle-37 (Palam)
K.No. 32/15/1 A, Palam Extension Road,
New Delhi - 110 045.

Through Smt. Anju Gupta W/o Late Sh. Manoj Kumar Gupta


Versus

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

ORDER

1. This Order shall dispose-off the Appeal dated 14-10-2024 filed by the appellant, Smt. Anju Gupta W/o Late Sh. Manoj Kumar Gupta of M/s Keshav Store, FPS No. 8921, Circle-37 (Palam), K.No. 32/15/1 A, Palam Extension Road, New Delhi - 110 045 for Review of Order dated 29.06.2024 & 18.09.2024 issued by the Assistant Commissioner (South-West)/Licensing Authority, under Rule 6 of Delhi Specified Articles (Regulation of Distribution) Order 1981 and Targeted Public Distribution System (Control) Order, 2015.
2. The Brief Facts of the case are as under:-
 - i. That the appellant is Wife of licensee Late Sh. Manoj Kumar Gupta, Licensee of M/s Keshav Store FPS No.8921, under Circle No.37 (Palam) who had expired on 22.04.2024.



- ii. And that FSO Circle-37 (Palam) had received intimation from Smt. Anju Gupta W/o Late Sh. Manoj Kumar Gupta vide their Dy. No.625/C-37 dated 24.04.2024 that her husband Shri Manoj Kumar Gupta, proprietor of M/s Keshav Store, FPS No.8921 has expired on 22.04.2024 and she sought temporary permission to run the above said FPS & requested to allow some time to submit the requisite document for change in constitution.
- iii. And that on the request of Smt. Anju Gupta W/o late Sh. Manoj Kumar Gupta and as recommended by Circle FSO the temporary permission was granted to run the said FPS upto 30.05.2024 and subsequently extended upto 30.06.2024.
- iv. And that after receiving the documents in the Circle-37 from appellant for change in constitution of FPS No.8921, M/s Keshav Store, the Circle FSO sought to authenticate copy of class 10th mark sheet of Delhi Secondary School Examination, 1984 so submitted by the appellant, as there is no Date of Birth, Parents name, School Name etc. mentioned in the photocopy submitted and hence issued a Memorandum dated 11.06.2024 to the applicant for producing original 10th mark sheet/certificate or to submit the mark sheet/certificate after attestation from the Principal of the school from where 10th was passed.
- v. And that the appellant Smt. Anju Gupta W/o late Sh. Manoj Kumar Gupta has also given in writing that her son Keshav Gupta, is working in Bank and her daughter Smt. Shruti Gupta has been married and doing job after marriage. The appellant has further written, in response to the memorandum dated 11.06.2024 issued by FSO Circle-37 (Palam), that the original certificates are missing and not traceable & she has no original documentary proof of class 10th passed. She has further stated that the school from where she passed class 10th is also not traceable and hence she is not able to get the signature of school Principal of the school from where she passed 10th.
- vi. And that as per Department's Order No. F.3(10)/2002/F&S(P&C)/04 dated 17.06.2002 applicant should be preferably 10th Class pass from a recognized board or equivalent and be able to maintain books of accounts along with other eligibility conditions.
- vii. And that the appellant had given in writing that she has applied for duplicate mark sheet to CBSE vide application no. 224DD950919.
- viii. And that effort were also made from the office of Assistant Commissioner (SW)/Licensing Authority for verification of mark sheet and various letters and subsequent reminders were sent to CBSE, Patparganj; CBSE Preet Vihar; CBSE Ajmer; CBSE Panchkula, Haryana
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and CBSE, Prayagraj but no logical outcome could be derived from the replies so received.

- ix. And that vide order NO. F. 79(37)/F&S/SW/2024/8921/991-998 Dated: 18/09/2024 Assistant Commissioner (South West) has cancelled the license/ authorization of M/s Keshav Store FPS No.8921, under Circle No.37 (Palam).

3. The appellant, in his instant Appeal has sought relief relying on the following grounds-

- i. That the appellant still trying to trace out her original 10th class certificate.
- ii. And that the appellant being old aged widow lady and totally depends on the FPS for her livelihood, again got admission in 10th class from the Board of Open schooling & skill Education.
- iii. And that several shops are also running by FPS holders and LR's of FPS holders who are not qualified or even 10th class passed but they are still running FPS.
- iv. And that on the basis of information received from the FSO, Assistant Commissioner (SW) F&S reached on wrong perception that the FPS holder Anju Gupta has not passed 10th class but in actually the appellant passed 10th class in 1984 from CBSE but due to very old record it is very difficult to trace out the original mark sheet but appellant still trying to find out the original certificate, hence, the order liable to be set aside.
- v. And that the AC (SW) has passed the impugned order dated 29.06.2024 & 18.09.2024 on the basis of assumption & presumption and not on facts.
- vi. And that there was no evidence or other material to justify the making of the decision.
- vii. And that the Assistant Commissioner (South-West) while making the decision was required by law to reach to a decision only of a particular matter that was established and there was no evidence or other material that the matter was established.

4. After hearing the contentions, examining their written submissions and perusing other relevant records placed in the case file, it is noted that-

 The instant appeal arose since the authenticity of the said Certificate could not be verified by the issuing Board and the Licensing Authority vide Order dated 18-09-2024, cancelled the License without exhausting all channels to get the

same verified by the Board as the Licensing Authority was bound to decide within three months as per Order No. F3(10)/2002/F&S(P&C)/04 dated 17.06.02. Since, those efforts were yet to come to a logical conclusion at the time of Cancellation Orders dated 18-09-2024 by the Assistant Commissioner/Licensing Authority, and that the ground of instant appeal is that the appellant holds a valid certificate of matriculation that she has passed in 1984 and that the cancellation orders dated 18-09-2024 passed by the licensing authority is based on assumptions and presumptions and is not based on the facts, I am of the view that in the interest of natural justice, the Appellant be given one last chance to prove her claim for change in Constitution as per rules. Accordingly, the case be remanded back to the licensing authority to give one more opportunity to the appellant and pass a speaking order within 3 (Three) months from the receipt of this Order, taking all material facts available as record and provided by the licensee.

5. Parties be informed accordingly.



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

No.: Spl.Com./AA/FPS Appeal/F&S/2026/32-24

Dated: 06/01/2026

Copy to:

1. The Asstt. Commissioner (South-West), F&S Department, GNCT of Delhi.
2. Smt. Anju Gupta W/o Late Sh. Manoj Kumar Gupta of M/s Keshav Store, FPS No. 8921, Circle-37 (Palam), K.No. 32/15/1 A, Palam Extension Road, New Delhi - 110 045 through Asstt. Commissioner (South-West).
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)
Addl. Commissioner (F&S)/
Appellate Authority