

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/2026/49-52

Dated: 09/01/2026

APPEAL NO. 05/2024

In the matter of:

M/s Shiv Store
FPS No. 7712, Circle-07 (Bawana)
E-163-164, Shahbad Dairy,
Delhi - 110 042.

Through Sh. Anil Kumar

Versus

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

ORDER

- 38/00/27
09/01/26
1. This Order shall dispose-off the Appeal dated 12-04-2024 filed by the appellant, Anil Kumar of M/s Shiv Store, FPS No. 7712, Circle-07 (Bawana), E-163-164, Shahbad Dairy, Delhi - 110 042 for Review of Order dated 13.06.2014 issued by the Assistant Commissioner (North-West)/Licensing Authority, under Clause 6 of Delhi Specified Articles (Regulation of Distribution) Order 1981.
 2. The Brief Facts of the case are as under:-
 - i. That the appellant is the proprietor of a Fair Price Shop (FPS) no. 7712 in Circle-07 (Bawana) that was authorized by the Department of Food & Supplies, Delhi on 11.08.1987.
 - ii. And that, the appellant moved an application dated 15.05.2014 on 16.05.2014 to the FSO, Food & Civil Supply, Circle-07, Bawana, New Delhi regarding his unwillingness to run the above FPS on personal reasons and requested for acceptance of his resignation from running the said FPS.



- iii. And that the said application for resignation was accepted by the Asstt. Commissioner (North-West) on 13.06.2014 with direction for linking of the cards of his FPS to the neighboring FPS without giving an opportunity of being heard.
- iv. And that resignation request of the appellant was not voluntary and without his free will. Moreover, no reasonable opportunity of hearing was provided to the appellant before passing of the impugned order.

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

- i. That the Asstt. Commissioner (North-West)/Licensing Authority accepted resignation of the appellant by way of exercising his powers under clause 4 of the Delhi Specified Articles (Regulation of Distribution) Order 1981 without acknowledging first proviso of same clause where it was mandatory on the part of the respondent that he would have to provide reasonable opportunity of hearing to the appellant before passing of the order, but the said statutory provision had not been followed by the Asstt. Commissioner (North-West)/Licensing Authority.
- ii. And that the appellant moved an application dated 15.05.2014 (filed on 16.05.2014) to the department for tendering his resignation from running above FPS on personal ground. In reality, the appellant was under depression on account of adverse familial circumstances and had faced significant loss of interest in daily activities. Even the appellant did not seek any medical help under the false impression being absolutely fine.
- iii. And that the appellant had been the licensee of FPS in question since 11.08.1987 till coming into effect impugned order date 13.06.2014 and that the past record of the appellant in running the FPS in question is very clear and no case regarding discrepancies of any nature is pending against him.
- iv. And that now the appellant would like to withdraw his resignation which was tendered by him without his free will in respect of above FPS in question as by the passage of time and with the support of the relatives and friends, the petitioner has recovered from the illness / depression. It is submitted that the petitioner is medically fit now and competent to run the above FPS as per the departmental norms.

4. After hearing the contentions, examining their written submissions and perusing other relevant records placed before me in the case file, it is noted that the Appellant due to difficult circumstances arising on account of his depression, tendered resignation of Fair Price Shop 7712. Now, that the Appellant is in a position to smoothly run the Fair Price Shop as his condition is stable/ improved. It is also noted that the Appellant had been running the shop till date without complaints/discrepancies. Accordingly, I am of the view that in the interest of natural justice, the Appellant be given one last chance to prove his claim for restoration of licence 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/2026/49-59

Dated: 09/01/2026

Copy to:

1. The Asstt. Commissioner (North-West), F&S Department, GNCT of Delhi.
2. Anil Kumar of M/s Shiv Store, FPS No. 7712, Circle-07 (Bawana), E-163-164, Shahbad Dairy, Delhi - 110 042 through Asstt. Commissioner (North-West).
3. Anil Kumar of M/s Shiv Store, FPS No. 7712, Circle-07 (Bawana), E-163-164, Shahbad Dairy, Delhi - 110 042. M.No. - 9671919510.
4. 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