

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/2025/08-11

Dated: 05/01/2026

APPEAL NO. 26/2019

In the matter of:

M/s Aggarwal Store
FPS No. 8748, Circle - 39 (Rajender Nagar),
E-509, JJ Colony, Inderpuri,
Delhi - 110 012.

Through Sh. Satish Kumar. Prop.

Versus

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

ORDER

1. This Order shall dispose of the Appeal dated 05-04-2019 filed by the appellant, Sh. Satish Kumar, Proprietor of M/s Aggarwal Store, FPS No. 8748, Circle-39 (Rajender Nagar) for Review of Order of Asstt. Commissioner (South-West)/Licensing Authority dated 19-12-2018, under 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 was the proprietor of the Fair Price Shop No. 8748 which was operating in the name and style of M/s Aggarwal Store (hereinafter referred as the 'said FPS') since 31-05-1996 with valid license upto 31-03-2021 under Circle-39 (Rajender Nagar) in District South-West of Department of Food, Supplies & Consumer Affairs, GNCT Delhi.
 - ii. And that the appellant had tendered his resignation vide application dated 12.12.2018 stating reason that the landlord of the business premises of the FPS has sold the premises and asked him to vacate the premises. Therefore, he

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expressed his incapability towards ration distribution from Jan, 2019 onwards as he could not find any other suitable premises in the same locality to run the FPS.

- iii. And that the respondent, after giving opportunity to the licensee to be heard in person on 15.12.2018, passed order vide No. F.AC(SW)/F&S/C-39/8748/1148 dated 19.12.2018 accepting the resignation tendered alongwith forfeiture of security amount of Rs.10,000.
- iv. And that the appellant filed an Appeal to withdraw resignation tendered by him on 05.04.2019 and numbered 26 of 2019. The appellant pleaded to withdraw his resignation citing that landlord of the appellant contacted him and informed him that due to some reason, the business premises could not be sold out and he again allowed the appellant to rent the same business premises to him and he also assured the appellant for not disposing of the same in future. The landlord also executed a rent agreement pertaining to same business premises.
- v. And that the appellant has, on 23-12-2025, appeared before the Appellate Authority and requested to withdraw the instant Appeal citing his unwillingness to continue running the said FPS in writing.

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

- i. That the appellant had relinquished the authorization of the said FPS No. 8748 in his own free will on 12.12.2018 stating reason that the landlord of the business premises of the FPS has sold the premises and asked him to vacate the premises. Therefore, he expressed his incapability towards ration distribution from Jan, 2019 onwards as he could not find any other suitable premises in the same locality to run the FPS.
- ii. And that the Appellant pleaded to withdraw resignation tendered by him citing that landlord of the appellant contacted him and informed him that due to some reason, the business premises could not be sold out and he again allowed the appellant to rent the same business premises to him and he also assured the appellant for not disposing of the same in future. The landlord also executed the rent agreement pertaining to same business premises.
- iii. And that in W.P.(C) 8841/2024 & CM APPL. 35910/2024 Hon'ble High Court of Delhi, while dismissing the Case No W.P.(C) 8841/2024 & CM APPL. 35910/2024, has stated as under-

"12. The Court has carefully considered the Petitioner's contentions but remains unpersuaded. The record shows that the Petitioner voluntarily submitted her resignation in 2014, which was promptly accepted by the



designated official from the Department of Food Supplies and Consumer Affairs, GNCTD. It appears that, over time, the Petitioner regretted her decision and sought to revisit it through a series of legal proceedings. Her persistence in pursuing reinstatement, while earnest, does not establish a case for relief under the present circumstances.

13. Following the acceptance of her resignation, the Petitioner has since filed two review petitions and two appeals, all of which have been adjudicated without favourable results. Each of these proceedings provided ample opportunity for the Petitioner to make her case for reinstatement of her FPS authorization, yet the Respondents consistently held that the Petitioner's claims lacked merit. This consistency across multiple orders reflects a reasoned approach, indicating that the Respondents' stance is neither arbitrary nor dismissive, but rather grounded in substantive considerations.

14. The Court is inclined to agree with the observations made in the impugned order dated 18th April, 2024 passed by the Financial Commissioner. Firstly, all the contentions of the Petitioner had been considered and adequately addressed by Respondents in the orders of first appeal and the two review petitions and secondly, the Petitioner has no plausible explanation to assail the acceptance of the voluntary resignation after a considerable delay of 6 years. In this period of delay, the Respondents had linked the ration cards of the Petitioner with the other FPSs. Therefore, the Financial Commissioner correctly agreed with the observations made by the Commissioner/Appellate Authority to the effect that repeated delinking and linking of ration cards from one FPS to another would cause unnecessary hardships to the recipients of the specified food articles.

15. Moreover, the Court notes that the Petitioner's argument of ignorance regarding medical leave provisions is unconvincing. As an FPS holder responsible for an essential public service, the Petitioner had an option to seek clarification on alternatives to resignation if she was uncertain. While she claims that "concerned officials" encouraged her to resign, this assertion lacks concrete evidence. Moreover, had the Petitioner been diligent in exploring her options at the time, she could have likely avoided her current predicament. The significant delay of six years in raising these issues further undermines her claim for reinstatement.

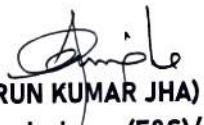
16. The Court also notes that the Petitioner referenced similar cases where FPS holders were allegedly allowed to withdraw their resignations. However, consistency in decision-making does not require identical outcomes in all cases, especially where individual circumstances differ. The Financial Commissioner's decision was founded on the facts particular to the Petitioner's case, specifically her prolonged delay, age, health concerns, and the potential impact on operational stability of the FPS. Considering these distinguishing factors, the Respondents' decision to deny her request for reinstatement is neither arbitrary nor unreasonable.



17. In sum, it is clear that the Petitioner has had multiple opportunities to present her case and has been unsuccessful in each instance. The matter has now been litigated at various levels, and the Petitioner cannot continue to pursue the same issues through this Court. The orders impugned in this petition are consistent, well-reasoned, and show no signs of arbitrariness or procedural unfairness. Consequently, the Court finds no grounds to interfere with the Respondents' decision, which was taken with due consideration of both the Petitioner's submissions and the larger public interest.

18. For the foregoing reasons, there is no merit in the present writ petition and the same is accordingly dismissed along with pending application."

- iv. And that the appellant, Sh. Satish Kumar, vide his application dated 23-12-2025, has withdrawn himself from the instant Appeal no. 26/2019.
- 4. In the light of the aforesaid, although the instant Appeal is devoid of any merit, but is accordingly dismissed as withdrawn.
- 5. Parties be informed accordingly.


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

No.: Spl.Com./AA/FPS Appeal/F&S/2025/08-11

Dated: 05/01/2026

Copy to:

- 1. The Asstt. Commissioner (South-West), F&S Department, GNCT of Delhi.
- 2. Sh. Satish Kumar of M/s Aggarwal Store, FPS No. 8748, Circle - 39 (Rajender Nagar), E-509, JJ Colony, Inderpuri, Delhi - 110 012, through Asstt. Commissioner (South-West).
- 3. Sh. Satish Kumar of M/s Aggarwal Store, FPS No. 8748, Circle - 39 (Rajender Nagar), R/o 85, Sector-2, Rohini, Delhi-110085. M-9891061894.
- 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