

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/2024/1393-45

Dated: 10/12/2025

REVIEW APPEAL NO. 30/2021
APPEAL NO. 19/2021

In the matter of :

M/s Subhash Chand Naresh Kumar
FPS No. 6582, Circle - 51, Kalkaji,
336/4, Govind Puri, Kalkaji
New Delhi - 110 086

Versus

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

ORDER

1. This Order shall dispose of the Review Appeal dated 21-10-2021 filed by the appellant, Sh. Subhash Chand Goel, Proprietor of M/s Subhash Chand Naresh Kumar, FPS No. 6582, Circle-51 (Kalkaji) for Review of Order dated 16-09-2021 passed by the Appellate Authority in Appeal No. 19/2021 against the Order of Asstt. Commissioner (South)/Licensing Authority dated 29-03-2018, 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. 6582 which was operating in the name and style of Subhash Chand Naresh Kumar (hereinafter referred as 'said FPS') since 23-04-1984 with valid license upto 31-03-2018 under Circle-51 (Kalkaji) in District South of Department of Food, Supplies & Consumer Affairs, GNCT Delhi.
 - ii. And that the appellant instead of processing for renewal of the said FPS, had tendered his resignation of the said FPS on 24-03-2018 citing reason of his ill health.

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- iii. And that the respondent, while accepting the request of resignation by the appellant, has cancelled the said FPS of the appellant vide impugned Order no. F.AC(S)/ F&S/SCN/2018/448-54 dated 29-03-2018.
- iv. And that the appellant filed an Appeal to withdraw resignation tendered by him on 23-08-2021 as number 19 of 2021. The appellant pleaded to withdraw his resignation citing that his condition is stable and he is now fit to operate the said FPS. The appellant has also pleaded to condone the delay in filing of Appeal that was delayed owing to his ill health.
- v. And that the said Appeal no. 19 of 2021 was decided and dismissed by the Appellate Authority vide Order No. PS/Comm./AA/FPS Appeal/F&S/2021/326-329 on 16-09-2021 stating as under:

“..... In his application dated 24.03.2018, he referred the reason of resignation as self illness e.g. Heart Problem, hence doctor advised him not to do work. On his free will he relinquished the licence/authorization of Fair Price Shop which was accepted by the Department. There were 370 approx. cards attached to his shop which were well adjusted in nearby shops. The cards attached with FPSs in the area are well within the limits and there is no requirement of any new FPS in the area. Therefore, considering the above facts, it is not possible to allow the restoration of the authorization relinquished by the licensee on his own free will. Hence, the Order of Assistant Commissioner (South) is upheld and the appeal is accordingly dismissed.”

- vi. And that the appellant has, on 21-10-2021, filed the instant Review Appeal for review of Order dated 16-09-2021 passed in Appeal No. 19/2021 against the impugned Order dated 29-03-2018 pleading for setting aside the impugned Order dated 29-03-2018 and to permit the appellant to withdraw his resignation in addition to permitting the appellant to file for renewal of license that was expired on 31-03-2018 while condoning the delay in filing the appeal.

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

- i. The appellant has based his appeal on self-illness and has stated that he was under regular treatment and after being declared medically fit by AMA, has decided to file the appeal.
- ii. And that the said FPS is his only source of income and in the absence of the same the appellant is at the doorstep of starvation.
- iii. And that no vacancy of FPS has been notified in the area by the Department.
- iv. And that the past record of the appellant in running the said FPS is very clear and no discrepancies of any nature are pending against the appellant.



v. And that before passing the Order, no provision of medical leave was communicated to the petitioner by the concerned officials, otherwise the petitioner would have applied for medical leave instead of tendering resignation.

vi. And that the Orders passed by predecessors of this Court were also not considered before passing of the Order under review.

4. 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. 6582 on his own free will on 24-03-2018 citing reason of his ill health.
- ii. 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."

- iii. And that the appellant has not stated anything new in the instant Review Appeal that is not already considered and decided-upon in the Appeal under review.



- iv. And that the appellant, Sh. Subhash Chand Goel, vide his application dated 14-03-2024, has withdrawn himself from the instant Review Appeal no. 30/2021 of Appeal No. 19/2021.
- v. And that the appellant was given various opportunities to be heard after his application of withdrawal of the instant Review Appeal on 05-10-2023, 04-01-2024, 11-04-2024, 11-07-2024, 29-08-2024, 07-11-2024, 02-01-2025, 12-06-2025, 21-08-2025, 13-11-2025 & 05-12-2025 and on all of the above dates, the appellant has chosen not to present himself.

5. In the light of the aforesaid, although the instant Review Appeal is devoid of any merit, but is accordingly dismissed as withdrawn.

6. Parties be informed accordingly.


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

No.: Spl.Com./AA/fPS Appeal/F&S/2024/ 1393-95

Dated: 10/12/2025

Copy to:

- 1. The Asstt. Commissioner (South), F&S Department, GNCT of Delhi.
- 2. Sh. Subhash Chand Goel Proprietor M/s Subhash Chand Naresh Kumar, FPS No. 6582, Circle-51 (Kalkaji), through Asstt. Commissioner (South).
- 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