

**OFFICE OF THE COMMISSIONER/ APPELLATE AUTHORITY  
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS  
GOVT. OF NCT OF DELHI  
ROOM No. 101, 1<sup>st</sup> FLOOR, K-BLOCK, VIKAS BHAWAN, I.P. ESTATE,  
NEW DELHI-110002 Ph.No. 011-23379252**

No. PS/Comm/AA/FPS Appeal/F&S/2021/ 483-487

Dated: 15/12/2021

Appeal No. 28/2021

In the matter of:

M/s. Sharma Store,  
FPS No. 7775, Circle-53 (Badarpur)  
Delhi.

Shri Sunil Kumar Sharma

Appellant

Versus

The Assistant Commissioner (South)  
Deptt. Of Food Supplies & Consumer Affairs  
Delhi

Respondent

Date of Hearing: 09.12.2021

**ORDER**

The Order shall dispose of the appeal filed by Shri Sunil Kumar Sharma, Prop. M/s. Sharma Store, FPS No. 7775, Circle -53 (Badarpur) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No.AC(S)/2018/F&S/Cancellation/2549-2552 dated 17.11.2018 passed by Assistant Commissioner (South).

Shri Sunil Kumar Sharma, appellant and Shri Pawan Kumar, Assistant Commissioner (South), respondent were present.

The Case was called and heard at length.

The Appellant submitted that he was authorised to distribute the SFAs to entitled beneficiaries by the Department through FPS No. 7775 and he was running the said FPS with the authorisation which was expired on 30.04.2018. The renewal of the same was due and he could not apply for renewal of Licence due to self illness. Photocopy of medical certificate was submitted by him in support of his contention. He submitted that the sudden death of his mother, father and brother (three family members) one after the others pushed him into depression and other related diseases. He stated that the Respondent passed the cancellation order in question without giving the opportunity of being heard in arbitrary manner in a hurried manner ex-parte as the show cause notice and suspension notice was never served to him by the Department. He further requested to grant permission for applying online.

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14/12/21  
15/12/21



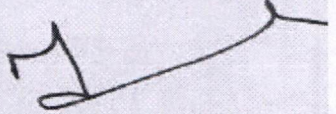
The Respondent submitted that the authorisation of M/s. Sharma Store, FPS No. 7775 (C-53), (Badarpur) was valid upto 30.04.2018. The Licensee did not submit the application alongwith required documents for renewal of licence. Show Cause Notice dated 03.05.2018 and Suspension Order dated 03.11.2018 were issued to the Licensee. During the course of hearing, the Assistant Commissioner (South) verbally accepted that the matter was decided ex-parte and the receiving of notices in question is not available however, he stated that due procedure for cancellation of shop was followed.

After hearing contentions of the parties, examining written/verbal submissions and perusing other relevant records placed before me, it is noted that the authorisation of FPS was valid upto 30.04.2018 and the petitioner failed to submit the documents for renewal of Licence due to self illness. Photocopy of medical certificate was submitted by him. It seems that the delay was circumstantial due to illness and various family problem which arises due to sudden death of three family members one after the other so, I am of the considered view that one more opportunity of being heard to petitioner will serve the purpose of natural justice.

Accordingly, considering the facts, circumstances and fair adjudication, the I.T. Branch of the Head Quarter is directed to take necessary action for allowing online for renewal of licence in consultation with Licensing Authority / Assistant Commissioner (West), who will afford one more opportunity to petitioner and decide the matter afresh on merits. However, it is left open to Licensing Authority to see that other conditions mentioned in the Departmental orders issued from time to time are met by the applicant.

The appeal is disposed of.

Parties be informed accordingly.



(NEERAJ SEMWAL)

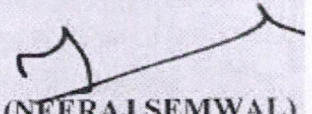
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PS/COMM/AA/FPS Appeal/F&S/2021/ 483 - 487

Dated: 15/12/2021

Copy to :-

1. The Assistant Commissioner (South), F&S Deptt. GNCT of Delhi.
- ✓ 2. SSA (IT) for necessary action.
3. Shri Sunil Kumar Sharma, Prop., M/s. Sharma Store (FPS No. - 7775), C-53 through Assistant Commissioner (South).
4. Shri Sunil Kumar Sharma, Prop., M/s. Sharma Store (FPS No. - 7775), H.No. C-25 A, G.F. Sourabh Vihar, Badarpur, New Delhi- 110044 Mob.9810021041.
- ✓ 5. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



(NEERAJ SEMWAL)

COMMISSIONER (F&S)/APPELLATE AUTHORITY