

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

No.PS/COMM./AA/FPS Appeal/F&S/2021/269-272

Dated: 30/09/2021

Appeal No. 18/2020

M/s. Gokul Puri Co-operative
Multipurpose Society Ltd.
FPS No. 3663, C-68 (Gokul Pur).

Shri Yoginder Kumar

.....Appellant

Versus

The Assistant Commissioner (North-East)
Deptt. of Food Supplies & Consumer Affairs,
Delhi .

.....Respondent

ORDER

The instant Appeal has been filed by Sh. Yoginder Kumar, Secretary/Appellant, M/s. Gokul Puri Co-operative Multipurpose Society Ltd., FPS No. 3663, Circle -68 (Gokul Pur) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F.AC(NE)/F&S/FPS.3663/2018/721-25 dated 02.11.2018 passed by Assistant Commissioner (North-East).

Shri Yoginder Kumar, Appellant/President of the Co-operative Society alongwith Shri Shailendra, Authorised Representative were present.

ls. Shri K.N.V. Surya Kumar, FSO (C-68) on behalf of Assistant Commissioner (North-East)/Respondent was present.

The FPS was being run by M/s. Gokul Puri Co-operative Multipurpose Society Ltd., FPS No. 3663, Circle -68 (Gokul Pur) under Distt. North - East had not applied for renewal of licence alongwith relevant documents since allotment of license w.e.f. 19.03.1977 even after lapse of stipulated period i.e. three years. The Assistant Commissioner (NE) issued various letters dated 13.02.2017, 15.02.2017, 05.08.2017, 01.09.2017, 15.11.2017, 18.12.2017, 02.08.2018 and 18.08.2018 to President / Secretary of the Society with the request to submit the following requisite documents for renewal of license of FPS :-

As per Circular No.F.3(2)/2013/F&S/P&C/665-669 dated 17/07/2018 issued by Policy Branch of the Department the following documents are required for renewal of FPS in question:-

- (i) Active status of the society, whether the society is functional as per provision of Delhi Co-Operative Societies Act, 2003.

1402/SSA/Id
01/10/2021

Contd...2/.....

- (ii) Latest Audit Report of the Co-Operative Societies.
- (iii) Resolution of the Co-Operative Society with name of the person authorized to run the Fair Price Shop.

The Appellant failed to submit the abovementioned requisite document for renewal of License till date. The Assistant Commissioner had given various opportunity but all in vain and due to non submission of requisite documents the FPS No. 3663 placed under suspension vide order dated 18.08.2018 followed by cancellation order dated 02.11.2018. The Appellant filed the present appeal dated 02.11.2020 against cancellation order dated 02.11.2018 passed by the Licensing Authority.

Case called and heard at length.

The Authorised Representative of Appellant vide appeal submitted that the authorisation of FPS was issued on 19/03/1977 and till date no complaint against him. The Licence was not renewed despite supply of all documents to respondent. He stated that the Appellant is registered with Registrar of Co-Operative Society, Delhi. He added that the appellant submitted relevant papers for renewal and deposited renewal fee of Rs.500/- vide receipt no. 14856 dated 24.05.2016 to the Department but renewal was not done.

The Appellant submitted that the licence of the FPS was cancelled due to non-submission of active status of Co-Operative Society, Latest Audit Report from Office of the Registrar Co-Operative Society which is beyond the control of the appellant to provide the records and audit report from their office as the same shall be audited as per law and procedure. The A.R. stated that the appellant is continue trying to get the audited report from the Office of Registrar Co-Operative Societies, Delhi but due to some unavoidable circumstances, the Office of Registrar Co-Operative Societies, Delhi is unable to do so. He added that Resolution of the Co-Operative Society with name of the person authorized to run the Fair Price Shop/details of meeting was already submitted to the Department. He requested to allow the FPS license to the tune of precedent in the year 2006-2007 in similar facts and circumstances.

The FSO (C-68) present on behalf of Respondent reiterated the contents of cancellation order dated 02.11.2018 and submitted that the Appellate is not submitting the requisite documents despite various opportunities were given. As per Circular No.F.3(2)/2013/F&S/P&C/665-669 dated 17/07/2018 issued by Policy Branch of the Department the documents as asked for are necessary for renewal of License of the FPS. In absence of the requisite documents the department has no option to renew the authorization of the FPS No. 3663.

After hearing contentions of the parties, examining their written/verbal submissions and perusing other relevant records placed before me, it is observed from comments of the Licensing Authority that the Appellate failed to produce the acknowledgment of papers submitted by the FPS holder for renewal despite notices issued from time to time. As submitted by the Appellant, it is also noted that by not renewing the License within the stipulated time shows that the Licensee acted in an irresponsible manner and violated terms and conditions as laid down for issuance of Authorisation of FPS.

Further, As per the Departmental Circular No.F.3(2)/2013/F&S/P&C/665-669 dated 17/07/2018, the petitioner is also refraining to submit the requisite documents which are compulsory for renewal of License of the FPS and in absence of the requisite documents the department has no option to renew

the authorization of the FPS No. 3663. Therefore, I do not see any reason to modify or set aside the Order passed by the Licensing Authority in the matter.

In view of above, I am of the considered view that the appeal filed by the petitioner has no merit hence the Cancellation Order dated 02.11.2018 passed by the Assistant Commissioner (North-East) is hereby upheld and the appeal is dismissed.

The appeal is disposed of.

Parties be informed accordingly.


30/09/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PS/COMM./AA/FPS Appeal/F&S/2021/269-272

Dated: 30/09/2021

Copy to :-

1. The Asstt. Commissioner (North-East), F&S Deptt. GNCT of Delhi.
2. Sh. Yoginder Kumar, Secretary/Appellant, M/s. The Gokulpur Co-operative Multipurpose Society Ltd., FPS No. 3663, Circle -68 through Asstt. Commissioner (North-East).
3. Sh. Yoginder Kumar, Secretary/Appellant, M/s. The Gokulpur Co-operative Multipurpose Society Ltd., FPS No. 3663, Circle -68 R/o B-140, Village Gokulpur, Delhi - 110094.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.


30/09/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY