

**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.**

No.PS/COMM./AA/FPS Appeal/F&S/2021/343-346

Dated: 22/09/2021

**Appeal No. 18/2021**

**M/s. Rajinder Kumar & Vinod Kumar,  
FPS No. 3795, C-10 (Sultanpur Majra),  
Delhi.**

**Shri Vinod Kumar, (Prop.)**

**.....Appellant**

**Versus**

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

**.....Respondent**

**Date of Hearing : 08.09.2021**

**ORDER**

The instant Appeal has been filed by **Sh. Vinod Kumar, Prop. M/s. Rajinder Kumar & Vinod Kumar, FPS No. 3795, C-10 (Sultanpur Majra)** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Acceptance of Resignation Order dated 03.08.2015 passed by Assistant Commissioner (North-West).

Shri Vinod Kumar, Appellant and Shri Kulbhushan Babbar, Assistant Commissioner (North-West)/Respondent were present.

The Case was called and heard at length.

The Appellant submitted that the present appeal has been filed to withdraw resignation tendered by the him on 03.08.2015 due to self illness. The resignation was accepted by Assistant Commissioner (North-West) vide order dated 03.08.2015. He pleaded that he is now fit (Medical Certificate was submitted to this cause) to run the FPS as per the norms of department and wants to withdraw resignation tendered by him. He stated that the FPS is only source of income for him. He submitted that due to regular treatment of illness, he could not file the present appeal within the stipulated period and requested for condonation of delay. He further stated that no vacancy of FPS has been notified in the above area by the Department and the past of FPS is very clear and no case regarding discrepancies of any nature was pending against him and no consumer has filed any complaint against the FPS regarding any irregularity.

The Assistant Commissioner (North-West), Respondent submitted that the authorisation of the FPS No.3795 was valid upto 11.04.2015 and the Licensee failed to submit the file for renewal of license. A show cause notice dated 24.07.2015 was issued to the Licensee to appear on 03.08.2015 and to submit file for renewal of license. Shri Vinod Kumar, Prop. appeared on the day and filed a letter stating therein that he was not interested in running the FPS due to ill health and requested for acceptance of resignation and also surrendered original license.

Contd..2/...

manish Pl. upload

Kyji  
22/9/21

1359/SCA/18  
21/9/21

The Respondent contended that the resignation was tendered by the FPS holder on his own will and was accepted with the free consent of FPS holder as such he was not interested to run the FPS due to self illness and requested for acceptance of resignation. After taking facts into consideration the then Assistant Commissioner (North-West)/licensing authority accepted resignation as per norms. He submitted that the cards attached to his shop were already linked to nearby shops. The card position is smooth and there is no requirement of any new FPS in the area. The Respondent requested to dismiss the appeal.


After hearing contentions of the parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the FPS holder filed an application for acceptance of resignation on 03<sup>rd</sup> August, 2015 which was accepted by the Assistant Commissioner (North-West)/licensing authority on his own will/request on 03.08.2015. He filed the instant Appeal on 05.08.2021 i.e. after a gap of five and half years approx., which is already time barred as per provisions contained in the Department's order dated 12.01.1981.

In his application dated 03.08.2015, he referred the reason of resignation that he was not interested to run the FPS due to self illness. He himself requested to accept resignation as he was not able to operate the FPS. Provisions exist to address issues pertaining to leave on medical ground which the Appellant chose not to exercise. On his free will he relinquished the licence/authorisation of Fair Price Shop which was accepted by the Department. The cards attached to his shop 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 authorisation relinquished by the licensee on his own free will. Hence, the Order of Assistant Commissioner (North-West) is upheld and the appeal is accordingly dismissed.

The appeal is disposed of.

Parties be informed accordingly.

  
(PADMINI SINGLA)  
22/09/2021


COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/343-346

Dated: 22/09/2021

Copy to :-

1. The Assistant Commissioner (North-West), F&S Deptt. GNCT of Delhi
2. Sh. Vinod Kumar, Prop. M/s. Rajinder Kumar & Vinod Kumar (FPS No. - 3795), C-10 through Assistant Commissioner (North-West).
3. Sh. Vinod Kumar, Prop. M/s. Rajinder Kumar & Vinod Kumar (FPS No. - 3795), C-10 R/o A-3/205, Sultan Puri, Delhi - 110066.
- ✓ 4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.

  
(PADMINI SINGLA)  
22/09/2021

COMMISSIONER (F&S)/APPELLATE AUTHORITY