

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
Ph.No. 011-23379252

No. PS/Comm/AA/FPS Appeal/F&S/2021/ 334-337

Dated: 20/09/2021

Appeal No. 24/2021

Appeal No.21/2021

In the matter of:

M/s. Janta Khadhya Bhandar,
FPS No.9189, Circle-68 (Gokulpur), Delhi.

Smt. Hem Lata Sharma

.....

Appellant

Versus

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

.....

Respondent

Date of Hearing : 15.09.2021

ORDER

The Order shall dispose of the appeals No.21/2021 & 24/2021 filed by Smt. Hem Lata Sharma, Prop. M/s. Janta Khadhya Bhandar, FPS No. 9189, Circle -68 under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F. AC(NE)/F&S/FPS-9189/2021/862-866 dated 27.08.2021 passed by Assistant Commissioner (North-East),

Smt. Hem Lata Sharma, Appellant/Prop. and Shri K.N.V. Surya Kumar, F.S.O (C-68) on behalf of Assistant Commissioner (North-East), Respondent were present.

The Case was called and heard at length.

The Appellant submitted that a surprise visit was conducted by Hon'ble MLA Shri Surender Kumar alongwith Circle FSO/FSI and Vigilance Committee Member Shri Ashok Sharma and Shri Pradeep Kumar Nirmal on 26.05.2021 and check the sales register, stock register and cash memo. The physical stock lying with the FPS was also checked. At the time of visit opening stock of Wheat 119.48 Qtls. & Rice 29.87 Qtls. (NFSA+PMGKAY) was found in the FPS. The FPS was suspended vide order dated 28.05.2021 on the ground of shortage of SFAs to the tune of (-)5.48 (Short). The appellant stated that the Wheat delivered by the Department was in wet condition and the same was received without weightment. Approx. 10 sacks of Wheat were in wet conditions which were kept separately so all the goods would not get spoiled and remain safe. She stated that her Assistant kept the empty sacks on it due to which they become invisible and could not be counted. The team calculated wrong variation without taken into account of wet sacks hence prepared the Stock Variation Statement wrongly. She further stated that there is no shortage of wheat in the shop that can easily be ascertained by conducting door to door survey.

The shop was suspended on 28.05.2021 followed by cancellation of the shop on 27.08.2021. The previous appeal become infructuous and the present appeal dated 08.09.2021 was filed against the

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cancellation order dated 27.08.2021 passed by the Licensing Authority (NE). She added that in the suspension order the variation was shown 5.48 Qtls. (short) and in the cancellation order dated 27.08.2021 it was shown as Wheat 5.48 Qtls. (short) and Rice 0.13 Qtls. (Excess). She alleged that the Licensing Authority with malafide intention issued cancellation order on 27.08.2021 in a hurried manner without offering proper opportunities of hearing.

The petitioner reiterated the previous incidents and stated that hatred atmosphere against her was created by local anti social elements and targeted her shop with politically motivation earlier also wherein after making enquiry the Department himself found out the conspiracy against the shop. She stated that the FPS is only source of income for her family as she has three marriageable daughters and one son whose all responsibilities lies with her. The shop and residential house are on rent. She submitted that her husband is unemployed and not able to earn a penny. She added that the past of the shop was very clear and no consumer had filed any complaint against the FPS regarding non-distribution of SFAs to eligible beneficiaries till date.

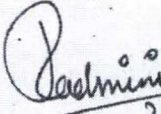
The FSO alongwith FSI defended the case on behalf of Licensing Authority and stated that adequate opportunities have been granted and the shop was thoroughly checked neither the licensee nor her husband or assistant informed about wet wheat bags inside the shop at the time of inspection. He added that in the past complaint against the FPS holder was also received from Hon'ble MLA (AC-68). Hon'ble MLA called a meeting with the then Assistant Commissioner (NE), FSO (C-68) in his chamber on 21.08.2020 in this regard. They submitted that the SVS was prepared on the basis of available stock and there is no discrepancy and reason of wet sacks given by the FPS holder is an after thought.

After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it appears that the contentions and clarifications submitted by the appellant requires further examination by the licensing authority before arriving at any conclusion.

Therefore, keeping in view of principle of natural justice, fair and impartial adjudication, the case is remanded back to Assistant Commissioner (North - East)/ Licensing Authority with the direction to afford one more opportunity of hearing to the petitioner and decide the matter afresh on merits, after due consideration of facts, circumstances and examining contentions adduced by the appellant in the case.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.

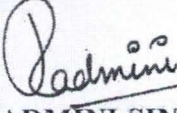

20/09/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/ 334-337
Copy to :-

Dated:

1. The Assistant Commissioner (North-East), F&S Deptt. GNCT of Delhi
2. Smt. Hem Lata Sharma, Prop. M/s. Janta Khadhya Bhandar (FPS No. - 9189), C-68 (Gokulpur) through Asstt. Commissioner (North-East).
3. Smt. Hem Lata Sharma, Prop. M/s. Janta Khadhya Bhandar (FPS No. - 9189), C-68 (Gokulpur) R/o D-500, Gali No. 29, Harsh Vihar, Mandoli, Delhi-110093.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.


20/09/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY