

**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/ 238-242

Dated: 11/08/2021

Appeal No. 10/2021

In the matter of:

M/s. Bannay Jaan,
FPS No. 5801, Circle-11 (Nangloi Jat)
Delhi.

Shri Bannay Jaan

.....

Appellant

Versus

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

.....

Respondent

Date of Hearing: 04.08.2021

<u>ORDER</u>

The Order shall dispose of the appeal filed by Shri Bannay Jaan, Prop. M/s. Bannay Jaan, FPS No. 5801, Circle -11 (Nangloi Jat) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No.F&S/AC(W)/C-11/5801/2021/1484-92 dated 05.06.2021 passed by Assistant Commissioner (West).

Shri Bannay Jaan, appellant alongwith wife of his brother was present.

Shri Rajeev Chhabra, Assistant Commissioner (West), Shri Virender Kumar, FSO(C-11) 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. 5801 and he was running the said FPS with the authorisation which was expired on 17.04.2021 and the renewal of the same was due and he could not apply online for renewal of Licence due to self illness. Photocopy of medical certificate was submitted by him in support of his contention. He further requested to grant permission for applying online.

The Respondent submitted that it was noticed that M/s. Bannay Jaan, FPS No. 5801 (C-11), (Nangloi Jat) was operating the FPS with the authorisation which was already expired on 17.04.2021. The Licensee did not submit the authorisation renewal application alongwith required documents for renewal of licence till date which is the violation of the Departmental Order dated 24.07.2019 as well

Contd...2/...

as terms and conditions under which the license was issued under the relevant provision of Delhi Specified Articles (Regulation & Distribution) Control Order – 1981 and the Public Distribution System (Control Order) 2001.

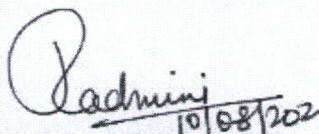
He further elaborate that as per para 6 of the above said Departmental Order dated 24.07.2019, "In case no application for renewal of FPS License is made online ever after 30 days of the expiry of the Licence, the Zonal Assistant Commissioner shall initiate necessary action for Suspension and Cancellation of the FPS license as per the provisions of Control Order, 1981". Accordingly, after granting opportunity of being heard in person or through authorised representative the FPS was suspended vide Order dated 29.05.2021. Shri Bannay Jaan, Appellate appeared before the respondent on 03.06.2021 and submitted that due to self illness he failed to apply for renewal in time. The reply of the licensee was found unsatisfactory and the shop was cancelled vide order in question.

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 17.04.2021 and the petitioner failed to submit the documents online for renewal of Licence due to self illness. Photocopy of medical certificate was submitted by him. It seems that the delay of approx. 2 month was circumstantial due to illness of appellant so, I am of the considered view that one more opportunity 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.


(PADMINI SINGLA)

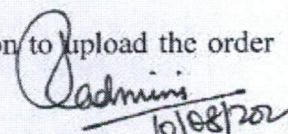
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PS/COMM./AA/FPS Appeal/F&S/2021/ 238-242

Dated: 11/08/2021 .

Copy to :-

1. The Assistant Commissioner (West), F&S Deptt. GNCT of Delhi.
2. SSA (IT) for necessary action.
3. Shri Bannay Jaan, Prop., M/s. Bannay Jaan (FPS No. – 5801), C-11 through Assistant Commissioner (West).
4. Shri Bannay Jaan, Prop., M/s. Bannay Jaan (FPS No. – 5801), C-1, Nangloi, Delhi – 110041. Mob. 9219234518, 7452029750.
5. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.


(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY