

**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/2022/ 564-567

Dated: 24-01-22

Appeal No. 02/2022

In the matter of:

M/s. Krishan Lal Rajender Prasad,  
FPS No. 8041, Circle-56 (Kondli)  
Delhi.

Shri Krishan Lal

.....

Appellant

Versus

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

.....

Respondent

Date of Hearing: 20.01.2022

**ORDER**

The Order shall dispose of the appeal filed by Shri Krishan Lal, Prop. M/s. Krishan Lal Rajinder Prasad, FPS No. 8041, Circle -56 (Kondli) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No.AC(E)/F&S/2018/F&S/09-16 dated 04.01.2022 passed by Assistant Commissioner (East).

Shri Krishan Lal, appellant alongwith Shri Shailendra, Authorised Representative were present.

Shri M.S. Grover, FSO (C-56) on behalf of Assistant Commissioner (South), Respondent present.

The Case was called and heard at length.

The Authorised Representative submitted that the appellant was authorised to distribute the SFAs to entitled beneficiaries by the Department through FPS No. 8041 on 08.07.1991 and he was running the said FPS with the authorisation which is valid upto 24.06.2024. He stated that a Inspection Team led by Assistant Commissioner (East) inspected the FPS on 14.09.2018 and after a gap of 3 years the FPS was suspended followed by cancellation order in question. He stated that on the day of inspection there was no variation reported by the Inspection Team and therefore they have not alleged at that time. He further added that suddenly the FPS was suspended and cancelled on 04.01.2022 on the ground of alleged net variation to the tune of 8.05 Qtls. (Wheat - 6.38 Qtls. + Rice - 1.67 Qtls) short.

The Authorised Representative submitted that in response to Suspension Cum Show Cause notice dated 16.12.2021, vide reply dated 22.12.2021 the appellant claimed shortage as admissible as per

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Departmental's memorandum dated 07.03.2018 but the same was not considered by the Licensing Authority and the SVS was prepared without considering the shortage from January, 2018 to August, 2018. He contended that the claimed shortage of 8 months comes approx. 6.24 Qtl. (Wheat) and 1.49 Qtl. (Rice) and after reduction of this amount the alleged variation comes 14 Kg (Wheat) and 18 Kg (Rice) (Total = 32 Kg.) which is normal. The Authorised Representative of FPS holder added that the claimed shortage was already registered in DR-IV & V and Daily Stock Register. He also stated that no complaint from any Card Holder was ever received against him from last 30 years. Further, in his closing comments he prayed for reinstatement of authorization of FPS.

The FSO (C-56) appeared on behalf of Assistant Commissioner (East)/Respondent strongly opposed the contentions submitted by the Authorised Representative/Appellant and stated that the inspection team submitted the file to Assistant Commissioner (East) on 15.09.2018 and file was under active consideration in circle office. He stated that during the inspection SVS was prepared after scrutiny of the seized records and physical stocks of Wheat and Rice found inside the business premises of said FPS and the Net Variation in the stock of Wheat & Rice were found NIL which was wrongly taken to Closing Balance as 0 (Zero).

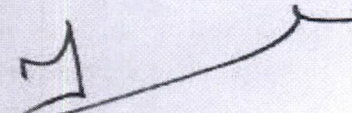
The Enforcement Branch submitted the file to the then worthy CFS and after approval of proposal of Enforcement Branch regarding re-checking the matter for deciding the actual opening balance of the stock for the month of September, 2018 the new SVS was prepared. It was also suggested that the advice /assistance of the Distribution Branch may be taken in the matter, if required. The FSO stated that the SVS was prepared from the closing balance for the month of June, 2018 to August, 2018 (03 months) and allocation for the month of September, 2018 (Date of inspection - 14.09.2018) provided by the Distribution Branch. He submitted that the shortage claimed for the period from January, 2018 to August, 2018 (08 months) which is not admissible and as regard not updating the memorandum dated 07.03.2018 in inspection book, it is stated that the orders was uploaded on the website of the Department from time to time. Sufficient opportunities were given to the petitioner to submit reply but he failed to submit concrete reply. The irregularity committed by the FPS holder is very serious and don't call for any leniency towards him.

After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it appears that the documents 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 (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 all documents in the case.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.



(NEERAJ SEMWAL.)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

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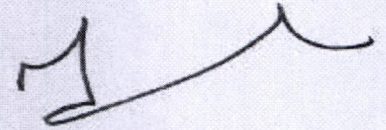


No.PS/COMM./AA/FPS Appeal/F&S/2022/564-567

Dated: 24-01-22

Copy to :-

1. The Assistant Commissioner (East), F&S Deptt. GNCT of Delhi.
2. Shri Krishan Lal, M/s. Krishan Lal Rajinder Parsad, (FPS No. – 8041), C-56 (Kondli) through Assistant Commissioner (East).
3. Shri Krishan Lal, Prop., M/s. Krishan Lal Rajinder Parsad, (FPS No. – 8041), C-56, (Kondli), R/o D-1/263 New Kondli, Delhi – 110096.
4. SSA (IT), F&S Deptt., K-Block, VikasBhawan, Delhi with the direction to upload the order on Departmental website.



(NEERAJ SEMWAL)

COMMISSIONER (F&S)/APPELLATE AUTHORITY