

**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,
PH. No. 011-23379252, NEW DELHI-110002.**

No.PS/COMM./AA/FPS Appeal/F&S/2021/ 137-140

Dated: 17/06/2021

DOH : 09.06.2021

Appeal No. 07/2021

**M/s. Vimal Store
FPS No. 6592, C-58 (Laxmi Nagar)
Shri Sanjeev Kumar Verma, (Prop.)**

.....Appellant

V/s

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

.....Respondent

ORDER

The instant Appeal has been filed by Shri Sanjeev Kumar Verma, Prop. M/s. Vimal Store, FPS No. 6592, Circle -58 (Laxmi Nagar) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order dated 27.03.2021 passed by Assistant Commissioner (East).

Shri Sanjeev Kumar Verma, appellant alongwith Shri Shailender, Authorised Representative and Shri Y.V.K.B. Raju, FSO (C-58) on behalf of Assistant Commissioner (East) were present.

The Case was called and heard at length.

The Officers of Ministry of Ministry of Consumer Affairs, Food & Public Distribution (Govt. of India) alongwith FSO/FSI of Circle-58 conducted a joint inspection of FPS No. 6592, M/s. Vimal Store on 31.08.2020. After scrutiny of records, Wheat and Rice were found excess to the tune of Net variation of 17.94 Qtls. (Excess) (Wheat - 15.74 Qtls. + Rice - 2.20 Qtls.) (Excess). Show Cause Notice dated 14.10.2020 was issued to FPS holder with the direction to explain clarification on the irregularities found during the verification of record. Shri Sanjeev Kumar Verma, Prop. appeared and filed written reply which was found unsatisfactory by the Licensing Authority. The FPS was cancelled vide Order dated 27.03.2021.

The Authorised Representative of the Appellant submitted that e-Pos machines were made functional from January, 2018 in all the FPSs and the same was discontinued in April, 2018. The balance stock of Wheat 15.65 Qtls. and Rice 2.39 Qtls. was lying at the FPS of the appellant after distribution through e-Pos machine. He further submitted that as per stock register the closing balance of Wheat was 117.99 Qtls. and after subtracting the balance of 15.65 Qtls. of e-Pos the remaining balance is left 102.37 Qtls. as stock of Wheat. The said qty. of 102.37 Qtls. Wheat has been entered as opening balance as on 01.03.2020. The remaining balance of 15.65Qtls of e-Pos machine has been entered separately in stock register (New Register) of 01.03.2020 as the Old register was for offline entry. In similar manner, the closing balance of Rice was 2.39 Qtls. as on 29.02.2020. It was balance of e-Pos machine. The opening balance of Rice has been reflected by the appellant NIL as on 01.03.2020 and balance of 2.39 Qtls. of Rice of e-Pos machine has been entered by him.

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The balance of e-Pos machine of 15.74 Qtls. of Wheat and 2.39 Qtls. of Rice has been entered in Stock Register Hence, the variation of 9 Kg Wheat and 19 Kg Rice remains so the total variation comes to the tune of 28 kg only and as per departmental guidelines if variation is less than 50 kg, no punitive action is taken against the FPS holder. The appellant submitted that he is 59 years old having one unmarried daughter of 31 years old. He has responsibility to get her married and the FPS is only source of income for his family. The Authorised Representative further stated that the case is not properly examined by the Licensing Authority and ample opportunities of hearing were not provided.

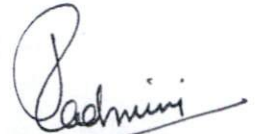
The FSO (C-58) present on behalf of Assistant Commissioner (East) reiterated the contents of Cancellation Order dated 27.03.202. He stated that on verification of available records, e.g. stock register of the appellant the information regarding e-Pos SFAs entry for the period January, 2018 to March, 2018 was not found for further carry forwarded till 31.08.2020. All the records and closing balances arising have been adjusted from allocation as per norms. No such closing balance to the tune of Wheat 15.74 Qtls. and Rice 2.20 Qtls. was ever reported for adjustment in the entitlement since January- 2018 till the date of inspection. He submitted that bogus sale entry have been made resulting in piling of stock. It has been stated that the Appellant is trying to mislead the Hon'ble Court and requested that the instant appeal may be kindly be dismissed.

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 more examination in consultation with Distribution Branch, I.T. Branch of Head Quarter and the records available with FPS holder by the licensing authority before arriving at any conclusion.

In view of above, considering the facts, circumstances and in the interest of principle of natural justice and fair adjudication, the case is remanded back to Licensing Authority / Assistant Commissioner (East), who will afford one more opportunity of hearing to the petitioner and decide the matter afresh on merits. The petitioner is advised to approach the Licensing Authority for further necessary action.

The appeal is disposed of.

Parties be informed accordingly.



(PADMINI SINGLA)

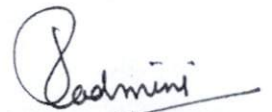
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/ 137- 140

Dated: 17/06/2021

Copy to :-

1. The Assistant Commissioner (East), F&S Deptt. GNCT of Delhi.
2. Shri Sanjeev Kumar Verma, Prop., M/s. Vimal Store (FPS No. – 6592), C-58 through Assistant Commissioner (East).
3. Shri Sanjeev Kumar Varma, Prop., M/s. Vimal Store (FPS No. – 6592), R/o House No. 711, West Guru Angad Nagar, Delhi – 110092. Mob. 9213090714.
- ✓ 4. 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