

**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/ 133- 136

Dated: 17/06/2021

DOH : 09.06.2021

Appeal No. 06/2020

M/s. Kishan Lal Anal
FPS No. 5950, C-24 (Patel Nagar)
Smt. Triveni, (Prop.)

.....Appellant

V/s

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

.....Respondent

<u>ORDER</u>

The instant Appeal has been filed by Smt. Triveni, Prop. M/s. Kishan Lal Anal, FPS No. 5950, Circle -24 (Patel Nagar) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order dated 22.06.2020 passed by Assistant Commissioner (Central).

Smt. Triveni, Prop. and Shri Rajesh Shakkarwal, Assistant Commissioner (Central) were present.

On receipt of telephonic call from Hon'ble MLA, Patel Nagar, FSO/FSI (C-24) (Patel Nagar) visited FPS No. 5950, M/s. Kishan Lal Anal, Add. 529, Baba Farid Puri, Patel Nagar, New Delhi - 110008 alongwith Hon'ble MLA . It came into notice that FPS holder was giving Atta exchanging with allotted wheat to the Card Holders. 100 sacks of Wheat and 20 Sacks of Atta were found kept in the nearby Shop No. 464, Baba Farid Puri, New Delhi - 110008 which is illegal / unauthorized and undeclared premises. The premises Shop No. 464 where the goods were stored was sealed. FIR against the said FPS has been lodged vide letter dated 01.04.2020. The Inspecting Team worked out the variation from the Sales / Stock register of the FPS and the variation comes to the tune of Shortage of 3.58 Qtls. (2.97 Qtls. of Wheat and 0.61 Qtls. of Rice). Suspension cum Show Cause notice was issued vide letter dated 02.04.2020 followed by cancellation order dated 22.06.2020.

The Case was called and heard at length.

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The appellant submitted that the charges against her are false and baseless that she was distributing Atta to the card holders in lieu of Wheat during the inspection at her FPS. Neither any complaint regarding distribution of Atta in lieu of Wheat nor 1 kg. Atta was recovered from her FPS during the inspection. She added that there is no connection between her Shop which is situated at H.No. 529 Baba Farid Puri, West Patel Nagar, Delhi – 110008 and 20 sacks of Atta Bags and 100 sacks of Wheat were recovered from some other place i.e. H.No. 429, Baba Farid Puri, West Patel Nagar, Delhi – 110008. She stated that the Inspection Team also not allowed the shortage as admissible by the Department while calculating the variation which is to be calculated. Moreover, the inspection team not weighed the sacks and prepared the Stock Variation Statement. If the same is to be calculated properly such situation does not arise. She further reiterated that she is a 75 years old widow lady and the FPS is the only source of income for her and family. It has been stated by her that ample opportunity of hearing was not given by the Licensing Authority as she already requested vide request dated 03.04.2020 for grant of time to file appropriate reply but the Licensing Authority did not consider the same and passed the impugned order against her.

The Assistant Commissioner (Central) / Respondent reiterated the contents of Cancellation Order dated 22.06.2020. The matter has been explained by him in detail. He stated that on receipt of telephonic call from Hon'ble MLA, Patel Nagar, FSO/FSI (C-24) (Patel Nagar) visited FPS No. 5950, M/s. Kishan Lal Anal, Add. 529, Baba Farid Puri, Patel Nagar, New Delhi – 110008 alongwith Hon'ble MLA. It is reported that FPS holder was giving Atta exchanging with allotted Wheat to the Card Holders. 100 sacks of Wheat and 20 Sacks of Atta were found kept in the nearby Shop No. 464, Baba Farid Puri, New Delhi – 110008 which is illegal / unauthorized and undeclared premises. The premises Shop No. 464 where the goods were stored was sealed. FIR against the said FPS has been lodged vide letter dated 01.04.2020. The Inspecting Team worked out the variation from the Sales / Stock register of the FPS and the variation comes to the tune of Shortage of 3.58 Qtls. (2.97 Qtls. of Wheat and 0.61 Qtls. of Rice).

 In absence of relevant record, he showed inability to ascertain on the issue of shortage as admissible by the Department while calculating the variation which is to be calculated is counted for or not. He also stated that the contention of the Appellant is true that she requested vide letter dated 03.04.2020 for grant of time to file appropriate reply. He added that ample opportunities were given to file reply but neither the FPS holder nor any authorized person appeared on the given date & time. So, on the basis of facts and circumstances of the case the order in question has been passed by the then Assistant Commissioner (Central)/Licensing Authority.

After hearing contentions of both the parties, examining written/verbal submissions and


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perusing other relevant records placed before me, it appears that the contention and clarifications submitted by the appellant requires further more examination by the licensing authority. It is also noted that the FPS holder vide letter dated 03.04.2020 requested for grant of time to file appropriate reply but it seems that the request was not addressed properly. Secondly, the issue of calculating of shortage as admissible by the department as well as the SFA's scattered in the shop needs to be calculated / examined to prepare the Stock Variation Statement.

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 (Central), 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 accordingly disposed of.

Parties be informed accordingly.



(PADMINI SINGLA)

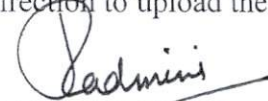
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/ 133-136

Dated: 17/06/2021

Copy to :-

1. The Assistant Commissioner (Central), F&S Deptt. GNCT of Delhi.
2. Smt. Triveni, Prop., M/s. Kishan Lal Anal (FPS No. – 5950), C-24 through Assistant Commissioner (Central).
3. Smt. Triveni, Prop., M/s. Kishan Lal Anal (FPS No. – 5950), C-24, R/o House No. 146, Baba Farid Puri, West Patel Nagar, Delhi - 110008.
- ✓ 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