

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/2021/115-118

Dated: 04/06/2021

Appeal No. 06/2021

In the matter of:

M/s. Shashi Store,
FPS No. 8518, Circle-64 (Rohtash Nagar), Delhi.

Smt. Shashi Goel, Prop.

Appellant

Versus

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

Respondent

ORDER

The order shall dispose of the appeal filed by Smt. Shashi Goel, Prop. **M/s. Shashi Store, FPS No. 8518, Circle -64** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Suspension Order No. F. AC(NE)/F&S/FPS-8518/C-64/2020/95-99 dated 10.02.2021 passed by Assistant Commissioner (North-East).

Smt. Shashi Goel, Appellant/Prop. and Shri Pawan Saini, FSO (C-64) alongwith Shri Jitesh Tiwari, FSI (C-64) on behalf of Assistant Commissioner (North-East), Respondent were present.

The Case was called and heard at length.

The Appellant submitted that on 25.06.2020 the Circle Officers Team conducted a surprise inspection of FPS No. 8518, Circle-64 (Rohtash Nagar) situated at Shop/House No.1/2896, Gali Post Office, Ram Nagar, Shahdara, Delhi – 110032 to check the Sales Register, Stock Register and Cash Memo for the month of June, 2020 and physical stock lying with the business premises of the FPS. The shop has been suspended vide Suspension Cum Show Cause Notice dated 10.02.2021 on the ground of discrepancy of stock variation of 3.16 Qtls. (Wheat 2.92 Qtls. + Rice 0.24 Qtls.) short. She submitted that vide letter dated 10.08.2020 a request was made to Licensing Authority for re-checking the FPS. It was also informed to him that due to double/excess quantity of SFAs received during lockdown, permission for additional godown for temporary storage has already been obtained from FSO (C-64) on 29.04.2020. The inspecting team not accounted the quantity kept in additional godown which is situated at the residence of Appellant in the same premises but the same was not checked by mistake and the same was not taken into the account while preparing the Stock Variation Statement. Due to haste this fact was accidentally not clarified by her and the team reported such discrepancies whereas there is no variation in stock if the same was calculated. She further added that she is a widow lady having no other source of income except this FPS to survive so requested to restore.

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The FSO/FSI (C-64) appeared on behalf of Assistant Commissioner (North-East)/Respondent categorically denied and stated that on receipt of complaints the FPS was inspected on 25.06.2020 and a discrepancy of net stock variation of 3.16 Qtls. (Wheat 2.92 Qtls. + Rice 0.24 Qtls.) short was found during the inspection. The available record and shop was thoroughly checked and thereafter the Stock Variation Statement was prepared. It is admitted that the FSO (C-64) granted permission for temporary additional godown for storage of food grains on 29.04.2020 which is valid upto 30.06.2020. The FSI (C-64) added that all the space was checked and available food grains was taken into account while preparing the Stock Variation Statement. It has been stated that the fact of having additional food grains in godown was reported after a gap of almost one month which seems to be a afterthought.

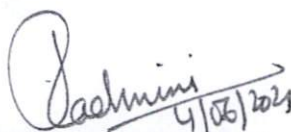
After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it is seen that the Circle Inspection Team conducted inspection on 25.06.2020 whereas the Suspension Cum Show Cause notice was issued on 10.02.2021 after a gap of almost 8 months. Vide request letter dated 10.08.2020 the Appellant made a request to Licensing Authority for re-checking the FPS and information regarding additional godown for temporary storage was given and the same was reiterated in letter dated 11.02.2021 it appears that the documents and request dated 10.08.2020 made by the Appellant requires examination by the licensing authority before arriving at any conclusion but the same was ignored.

Secondly, the shop was placed under suspension on 10.02.2021 and as per Clause 4 of Control Order dated 12.01.1981 issued by the Department the period of suspension shall not exceed three month and the same was expired on 10.05.2021. It has been informed by both the parties that no Cancellation Order was issued till date so as per prevalent rules the order also became infructuous.

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 documents adduced by the appellant in the case.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.


(PADMINI SINGLA)

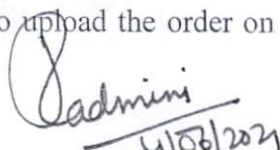
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/ 115-118

Dated: 04/06/2021

Copy to :-

1. The Assistant Commissioner (North-East), F&S Deptt. GNCT of Delhi.
2. Smt. Shashi Goel, Prop. M/s. Shashi Store (FPS No. - 8518), C-64 (Rohtash Nagar) through Asstt. Commissioner (North-East).
3. Smt. Shashi Goel, Prop. M/s. Shashi Store (FPS No.- 8518), Circle-64 (Rohtash Nagar) R/o 1/2896, Gali Post Office, Ram Nagar, Loni Road, Delhi-110032.
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