

**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.PA/COMM./AA/FPS Appeal/F&S/2020/111-114

Dated: 04/06/2021

Appeal No. 40/2019

In the matter of:

M/s Kartar Singh,
FPS No. 5633, Circle-55 (Trilok Puri)
Delhi

Sh. Monu Singh

..... Appellant

Versus

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

..... Respondent

ORDER

The order shall dispose of the appeal filed by Shri Monu Singh, Prop. **M/s. Kartar Singh, FPS No. 5633, Circle - 55** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F. AC(E)/F&S/2019/454-62 dated 30.07.2019 passed by Assistant Commissioner (East),

Shri Shailender, Authorised Representative of Appellant/Prop. and Shri Manoj Kumar, FSO (C-55) on behalf of Assistant Commissioner (East), Respondent were present.

Whereas, Sh. Monu Singh, the licensee/proprietor of M/s. Kartar Singh, FPS No. 5633, Circle-55, resigned from the authorization of FPS No. 5633 on the grounds of illness and consequent inability to ensure smooth functioning of the FPS. Subsequently the application for resignation of license was duly accepted by the respondent vide Order dated 30.07.2019.

And whereas, the Proprietor of FPS Sh. Monu Singh filed the present appeal dated 14.08.2019 under Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Order of acceptance of resignation passed by the Respondent.

Accordingly, the case was called and both the parties were heard at length.

The Authorised Representative of the appellant submitted that his client wishes to withdraw his application for resignation of license as now he is in a position to run the FPS smoothly as his health condition is improved to resume physical work. He stated that no complaint of any nature against the appellant is pending and the said FPS is the only source of income for the appellant.

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Further, he submitted that the appellant after submitting the application dated 29.12.2018 for resignation already requested twice vide letter dated 01.04.2019 and 25.06.2019 to withdraw the earlier application dated 29.12.2018 to FSO, Circle-55 but the same has not been considered and vide Order dated 30.07.2019 the resignation of the appellant was accepted without considering submission of appellant regarding withdrawal of resignation.

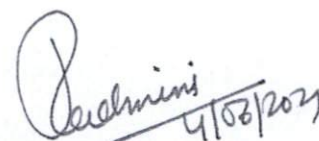
The FSO (C-55) appeared on behalf of Asstt. Commissioner, (East), respondent contended that the resignation was accepted as the licensee on his free will submitted his resignation due to his inability to manage functioning of the FPS on account of his illness. No vacancy has been notified by the Department till date by the Department and the cards of the shop have been linked to nearby shops. He showed inability regarding information about the fate of request letter dated 01.04.2019 and 25.06.2019 submitted by the Appellant on the ground that he joined the Circle recently.

After hearing contentions of both the parties, examining written submissions and perusing other relevant records placed before me, it is noted that the Appellant tendered resignation of Fair Price Shop on 29.12.2018 and subsequently, the applicant after submitting the application dated 29.12.2018 for resignation requested twice vide letter dated 01.04.2019 and 25.06.2019 to withdraw the earlier application dated 29.12.2018 to FSO, Circle-55 but the same has not been addressed properly and vide order dated 30.07.2019 the resignation of the appellant was accepted. It was also noticed that no complaint of any nature against the FPS is pending and the same is the only source of livelihood for the Appellant .

Therefore, considering the facts and circumstances of the case and in the interest 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 documents of the appellant keeping in view the provisions of relevant rules and guidelines of the department in this regard.

The appeal stands disposed of.

Parties be informed accordingly.



(PADMINI SINGLA)

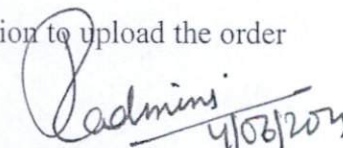
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/Comm./AA/FPS Appeal/F&S/2020/ 111 - 114

Dated: 04/06/2021

Copy to :-

1. The Asstt. Commissioner (East), F&S Deptt., Delhi.
2. M/s. Kartar Singh, FPS No. 5633, Circle-55 through Asstt. Commissioner (East).
3. Shri Monu Singh, Prop. M/s. Kartar Singh, FPS No. 5633, Circle-55, Khasra No.2, Kotla Village, Mayur Vihar Phase-I, Delhi - 110091.
- ✓ 4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



(PADMINI SINGLA)

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