

**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.**

No.PS/COMM./AA/FPS Appeal/F&S/2021/68-70

Dated: 25-5-21

**Appeal No. 31/2019**

M/s. Kishan Lal & Sons  
FPS No. 742, C-03 (Timarpur)

Shri Brij Bhushan, (Prop.)

.....Appellant

Vs

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

.....Respondent

<u><b>ORDER</b></u>
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The instant Appeal has been filed by Sh. Brij Bhushan, Prop. M/s. **Kishan Lal & Sons, FPS No. 742, Circle -03 (Timarpur)** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Acceptance of Resignation Order No. F.AC(N)/F&S/FPS.742/2018/1753-1759 dated 04.06.2018 passed by Assistant Commissioner (North).

Shri Shailender, Authorised Representative of the appellant and Shri M.S. Premi, Assistant Commissioner (North) were present.

The Case was called and heard at length.

The Authorised Representative of the Appellant submitted that the present appeal has been filed to **withdraw resignation** tendered by him on 22.05.2018 due to domestic circumstances and old age. The resignation was **accepted** by Asstt. Commissioner (North) vide order dated 04.06.2018. He pleaded that the FPS holder is now fit to run the FPS as per the norms of department and **wants to withdraw his resignation** tendered by him as there is no domestic problem now. He further submitted that the FPS is only source of income for him and due to some domestic problem the present appeal filed late. He stated that no vacancy of FPS has been notified in the above area by the Department. A list of card position of notified area of Malka Ganj, Punjabi Basti, Old Subzi Mandi attached with the available FPSs in Circle-03 is also submitted by him during the course of hearing in support of his request.

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The Assistant Commissioner (North) strongly opposed the request of Appellant and stated that the authorisation of the licensee was valid upto 08.03.2018 and he had not applied for renewal of license, as to renew the license, the FPS holder to apply before two months of date of renewal. He was running his FPS for almost two months without renewal of license and thereafter applied for resignation on 22.05.2018. A Call Memo dated 26.05.2018 was issued to the FPS holder to appear before the licensing authority on 28.05.2018 to explain his position. In response to Call Memo dated 26.05.2018 Sh. Brij Bhushan, Proprietor of M/s Kishan Lal & Sons appeared on 01.06.2018 and stated that he was not interested to run the FPS and intend to surrender the authorisation.

As per comments of Asstt. Comm. (North), the licensee filed application for acceptance of resignation in the month of December 2017 but the same was not accepted due to introduction of e-POS system to the FPSs in January 2018 as the competent authority of the department instructed not to accept any resignation from the FPS. On 22.05.2018 the licensee again filed another application and requested for acceptance of resignation stating therein that both of his children are mentally retarded and his wife could not walk as she was paralyzed. The age of the Proprietor, Shri Brij Bhushan is about 69 years as mentioned in his Aadhar Card i.e. year of birth is 1950 and due to reason stated he was unable to run the FPS.

The Assistant Commissioner (North) contended that the resignation was tendered by the FPS holder on his own will and was accepted with the free consent of FPS holder as such he was not interested to run the FPS due to old age and domestic problems. Ample opportunities were also provided to re-think to FPS holder but on his consent the licensing authority had no option left but to accept the resignation tendered by him. Hence, the appeal filed by the FPS holder is not maintainable.

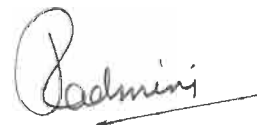
After hearing contentions of both the parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the FPS holder filed an application for acceptance of resignation in the month of December, 2017 followed by request dated 22.05.2018 which was accepted on his own will by the Assistant Commissioner (North) after offering ample opportunity of hearing. He filed the instant Appeal on 28.05.2019 almost a gap of one year which is already time barred as per provisions contained in the Department's order dated 12.01.1981.

In his application he referred the reason of old age and now as per year of birth mentioned in Aadhar Card he is approx.71 years old. Secondly, by not applying for renewal of licence before 02 months of expiry as required he violated the terms and conditions of the Department. Further, certain provisions have been laid down by the Department to address issues pertaining to leave on medical ground which the Appellant chose not to exercise. On his free will he relinquished the licence/authorisation of Fair Price Shop. It is needless to say that inadequate attention to the functioning of an FPS due to repeated linking and delinking of ration cards to different Fair Price Shops on account of resignation/cancellation of Fair Price Shop results in great inconvenience to the eligible beneficiaries.

Therefore, considering the facts, it is not possible to allow the restoration of the authorisation relinquished by the licensee on his own free will. Hence, the Order of Assistant Commissioner (North) dated 04.06.2018 is upheld and the appeal is accordingly dismissed.

The appeal is disposed off.

Parties be informed accordingly.




(PADMINI SINGLA)  
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/68-70

Dated: 25-5-21

Copy to :-

1. The Asstt. Commissioner (North), F&S Deptt. GNCT of Delhi
2. Sh. Brij Bhushan, Prop. of M/s Kishan Lal & Sons (FPS No. - 742), C-03 through Asstt. Commissioner (North).
3. Sh. Brij Bhushan, Prop. of M/s Kishan Lal & Sons (FPS No. - 742), C-03, House No. 2390, Punjabi Basti, Subzi Mandi, Near Clock Tower, Malka Ganj, Delhi - 110007.



(PADMINI SINGLA)  
COMMISSIONER (F&S)/APPELLATE AUTHORITY