

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/2021/35-37

Dated: 12-5-21

Appeal No. 05/2021

In the matter of:

M/s. Parvez Store,
FPS No. 6757, Circle-10,
(Sultanpuri Majra) Delhi
Smt. Noor Jahan

Appellant

Versus

The Assistant Commissioner (North-West)
Deptt. Of Food Supplies & Consumer Affairs
Delhi

Respondent

ORDER

The order shall dispose of the appeal filed by Smt. Noor Jahan, W/o Late Shri Abbas Ali, Prop. M/s. Parvez Store, FPS No. 6757, Circle -10 under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F.1(6)/AC/NW/2020-21/84-90 dated 09.03.2021 passed by Assistant Commissioner (North - West).

Shri Shailender, Authorised Representative of the appellant alongwith Shri Vaseem Raja and Shri Kulbhushan Babbar, Assistant Commissioner (North - West) were present.

The Case was called and heard at length.

The Authorised Representative of Appellant submitted that the original FPS Licensee Shri Abbas Ali expired on 22.11.2020 leaving behind 5 family members consisting his widow wife (appellant), 2 married daughters and 2 sons and she have no support from them. The FPS is only source of income for her. He stated that husband of Appellant was expired due to COVID-19 and deserves compensation. As per Muslim rituals the wife of deceased cannot see the face of any Male except her family members for a period of 4 Months 10 days that is called "IDDAT". The period was expired on 30.03.2021. The situation was explained to Asst. Comm. (North - West) by her son Shri Vaseem Raja during the course of hearing on 09.03.2021 but the FPS was cancelled by the Licensing Authority without taking into account the request and circumstances on which the application for change of constitution has not been submitted within stipulated period i.e. 30 days of the death of Licensee. He stated that the widow of Appellant is illiterate and as per Departmental order dated 17.06.2002 the applicant should be 10th passed and this condition is relaxable in special circumstances by Commissioner (F&S). He further requested for allowing the operation of FPS by engaging a 10th passed salesman for her bread and butter.

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The Respondent submitted that the FPS was suspended vide Suspension – Cum – Show Cause Notice dated 04.03.2021 with the direction to appear on 09.03.2021. Her Son Shri Vaseem Raja appeared in the Office and informed that his father expired on 22.11.2020 and his mother is not supposed to out of home due to Muslim rituals. The legal heirs failed to submit application for change of constitution within stipulated period as provided under rules i.e. 30 days of the death of Licensee. Accordingly, the FPS was cancelled on 09.03.2021 due to non submission of requisite documents within stipulated period as provided under rules.

After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it is seen that the FPS Licensee Shri Abbas Ali expired on 22.11.2020, leaving behind 5 family members consisting his widow wife (appellant), 2 married daughters and 2 sons and as per Muslim rituals i.e. called "IDDAT" the Appellant is not supposed to out of home due to which the legal heirs failed to submit application for change of constitution within stipulated period as provided under rules i.e. 30 days of the death of Licensee. It seems that this situation was unintentional and accordingly delay for submitting application for change of constitution is condoned.

In view of above, considering the facts, circumstances and reasons given by the petitioner and in the interest of principle of natural justice and fair adjudication, the case is remanded back to Licensing Authority / Assistant Commissioner (North-West) for necessary action and the Appellant is directed to submit the application for change of constitution alongwith complete requisite documents to Licensing Authority at the earliest. However, it is left open to Licensing Authority to see that the other conditions mentioned in the Departmental orders issued from time to time are met by the applicant before allowing change of constitution. The petitioner is advised to approach the Licensing Authority for further necessary action.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.


12/05/2021

(PADMINI SINGLA)

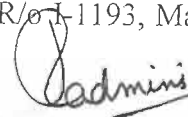
COMMISSIONER (F&S)/APPELLATE AUTHORITY

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Dated: 12-5-21

Copy to :-

1. The Asstt. Commissioner (North-West), F&S Deptt. GNCT of Delhi.
2. Smt. Noor Jahan M/s Parvez Store (FPS No. – 6757), Circle-10 through Asstt. Commissioner (North - West).
3. Smt. Noor Jahan M/s Parvez Store (FPS No. – 6757), Circle-10, R/o-1193, Mangol Puri, Delhi – 110083.


12/05/2021

(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY