

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. PA/Comm/AA/FPS Appeal/F&S/2021/551-554

Dated: 11-1-22.

Appeal No. 33/2021

In the matter of:

M/s. Harbir Store,
FPS No. 7219, Circle-56 (Kondli)
Delhi.

Shri Satbir Singh

Appellant

Versus

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

Respondent

Date of Hearing: 07.01.2022

ORDER

This Order shall dispose of the appeal filed by Shri Satbir Singh, Prop. M/s. Harbir Store, FPS No. 7219, Circle - 56 (Kondli) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Suspension Order No.AC(E)/F&S/2021/1655-62 dated 28.10.2021 passed by Assistant Commissioner (East).

An inspection team consisting Assistant Commissioner (NW), FSO (C-28), FSI (C-60) and FSI (Enforcement Branch) was directed to make an inspection of the FPS No.7219 in order to check the irregularities in distribution of SFAs. On scrutiny of records following variation in SFAs alongwith other discrepancies were found:-

- (i) Stock Board was not updated at the time of visit.
- (ii) Stock Register is not being maintained by the FPS Holder.
- (iii) W&M Certificate was not displayed at the business premises.
- (iv) Net Variation to the tune of 5.34 Qtl. Of SFAs , Wheat – 3.23 Qtls. (Short) + Rice 2.11 Qtls. (Excess).

A Show Cause Notice dated 06.10.2021 was issued to FPS Holder with the direction to appear in person or through authorized representative on 08.10.2021 at 3.00 PM. In response to the said SCN Shri Satbir Singh, Prop. of FPS No.7219 appeared and filed written reply. The reply submitted by the appellant was considered by the Assistant Commissioner (East)/Licensing Authority and found unsatisfactory. Accordingly, the FPS was placed under suspension with immediate effect vide order in question.

Shri Satbir Singh, Prop./appellant and Shri Manjeet Singh Grover, FSO (C-56) on behalf of Assistant Commissioner (East)/ respondent were present.

The Case was called and heard at length.

The Appellant vide appeal submitted that the inspection team prepared the SVS without proper weighment and calculated the average weight of Wheat and Rice bags. The team would not consider that the weight is sometime less and sometime excess in the sacks. The team also not considered the cheating of labour who supplies the SFAs in the FPS.

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The FPS holder submitted that on 14.09.2021 he received 175 sacks of Wheat having weighment of 88.81 Qtls. and on 22.09.2021 he received 200 sacks of Wheat having weighment of 101.83 Qtls. He elaborate the same as under :-

Total Qty. of Sacks = 175 sacks + 200 sacks = 375 sacks

Total weight available in Sacks = 88.81 + 101.83 = 190.64 Qtls. Alias

Average weight of sacks of Wheat = $19064 \div 375 = 50.837$ Qtls.

Sacks available in Stock = $342 \times 50.837 = 173.86$, + Loose = 2.14 = 176 Qtls.

Total Wheat Available = 176 Qtls.

Book Balance = 176.37 – Physical Balance 176.00 = 0.37 (– 37kg short).

The Appellant further submitted that on 06.09.2021 he received 109.5 sacks of Rice having weighment of 52.71 Qtls. Alias **Average weight of sack of Rice = 48.136.**

Sacks of Rice available in stock = 91

Average weight of sacks of Rice = $91 \times 48.136 = 43.80$ + Loose .07 = 43.87 Qtls.

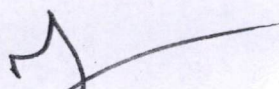
Book Balance = 43.46 – Physical Balance 43.87 = Difference + 41 (+41 kg excess).

The FPS holder stated that at the time of inspection on 28.09.2021 it was informed to the inspecting team that some sacks of Rice having weight of 34-35 kg and some sacks were in torn condition. He contended that the Inspecting Team calculated the SVS with average weight of 50 kg per sacks of Wheat and Rice which is not justified and requested for relief from the Appellate Authority to save his livelihood.

The FSO (C-56) appeared on behalf of Assistant Commissioner (East)/Respondent strongly opposed the contentions submitted by the Appellant and stated that as reported by the inspecting team such a huge variation of SFAs could not be ignored. Sufficient opportunities were given to the petitioner to submit reply but he failed to submit concrete reply. The irregularity committed by the FPS holder is very serious and don't call for any leniency towards him. He submitted the details of Wheat and Rice with documentary evidence (Release Order of DSCSC) which is as under and requested for dismissal of appeal:-

S. No.	Date	Release Order No.	Wheat Recd. (Qtl.)	Total No. of Bags Received as per Truck Challan	Truck Challan Number/Dated	Average Weight of Bags.
1.	06/09/2021	0224	89.92	175	0171/06-09-2021	0.5138
2.	07/09/2021	0296	88.76	175	0207/07-09-2021	0.5072
3.	14/09/2021		88.81	175	14-09-2021	0.5075
4.	20/09/2021	1099	32.16	64	0689/20-09-2021	0.5025
5.	22/09/2021	1302	101.83	200	0771/22-09-2021	0.5091
6.	22/09/2021	1332	20.20	40	0780/22-09-2021	0.5051
Total			421.68	829		0.5086

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1.	Average Weight of <u>Wheat bags</u> received for the month of September 2021			0.5086
	(As per release orders/truck challans)			
2.	Wheat bags available in the FPS at the time of inspection			342 Bags
	(Details taken from Weightment Memo)			
3.	Loose Wheat available in the FPS at the time of inspection			2.14 Qtl.
4.	Total Wheat calculation as per average			
			(0.5086 X 342 Bags) =	173.94
			Loose Wheat =	2.14
			Total	176.08
5.	Book balance stock as per Stock Variation Statement (SVS)			176.37
6.	Total Wheat available at per average calculation			176.08
7.	Variation			0.29
8.	Total Variation Wheat			(-)0.29

S. No.	Date	Release Order No.	Rice Recd. (Qtl.)	Total No. of Bags Received as per Truck Challan	Truck Challan Number/Dated	Average Weight of Bags.
1.	06/09/2021	0268	52.71	107.26	0195/06-09-2021	0.4914
2.	23/09/2021	1377	52.71	105.42	0810/23-09-2021	0.5000
Total			105.42	212.68		0.4956

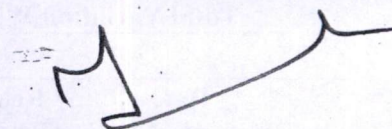
1.	Average Weight of <u>Rice bags</u> received for the month of September 2021			0.4956
	(As per release orders/truck challans)			
2.	Rice bags available at the time of inspection			91 Bags
	(Details taken from Weightment Memo)			
3.	Loose Rice available in the FPS at the time of inspection			07 Kg.
4.	Total Rice calculation as per average			
			(0.4956 X 91 Bags) =	45.09
			Loose Rice =	0.07
			Total	45.16
5.	Book balance stock as per Stock Variation Statement (SVS)			43.46
6.	Total Rice available at per average calculation			45.16
7.	Variation			(+) 1.70
	Total Variation Rice			(+) 1.70

After hearing contentions of both the parties, examining their written/verbal submissions and perusing other relevant records placed before me, it is evident that the Licensing Authority afford ample opportunities to submit the clarification but the Appellant failed to submit concrete reply and thus acted in an irresponsible manner by violating the terms and conditions of the license. which is a grave violation of the terms and conditions of the authorisation. Further, as per the details of Wheat and Rice submitted by FSO (C-56) with documentary evidence (Release Order of DSCSC) wherein the average calculation was done also indicate total variation to the tune of 1.99 Qtls. (Wheat = -0.29 + Rice = +1.70) which is a grave lapse on the part of FPS Holder. During the course of hearing he accepts his lapse for not updating the Stock Board as well as not maintaining the Stock Register which are mandatory. He also failed to submit any reliable reply in support of his claim and the Licensee is bound to comply the terms and conditions of the License. The Fair Price Shop holder is also responsible for carrying out retail sale of Specified Food Articles in accordance with the directions and instructions issued from time to time regarding purchase, sale and storage of Specified Food Articles. Therefore, I do not see any reason to modify or set aside the order passed by the Licensing Authority.

In view of above, I am of the considered view that the appeal filed by the petitioner has no merit hence the Suspension Order dated 28.10.2021 passed by the Assistant Commissioner (East) is hereby upheld and the appeal is dismissed.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.



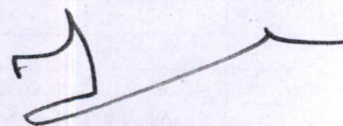
(NEERAJ SEMWAL)
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No. PS/Comm/AA/FPS Appeal/F&S/2021/ 551-554

Dated: 11-1-22.

Copy to:

1. The Assistant Commissioner (East), F&S Deptt. GNCT of Delhi.
2. Shri Satbir Singh, Prop. M/s. Harbir Store, FPS No. 7219, Circle-56 (Kondli), Delhi through Assistant Commissioner (East).
3. Shri Satbir Singh, Prop. M/s. Harbir Store, R/o 705, D-25, Ward No.3, Near Islam Colony, Mehrauli, Gadaipur, South Delhi - 110030.
4. ✓ SSA (IT), F&S Deptt., K-Block, VikasBhawan, Delhi with the direction to upload the order on Departmental website



(NEERAJ SEMWAL)
COMMISSIONER (F&S)/APPELLATE AUTHORITY