

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/2021/51-54

Dated: 24-5-21

Appeal No. 10/2020

In the matter of:

M/s. Dhanno Devi Fair Price Shop,
FPS No. 6837, Circle-65 (Seelampur), Delhi.
Sh. Rishipal

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 Shri Rishi Pal, Prop. **M/s. Dhanno Devi Fair Price Shop, FPS No. 6837, Circle -65** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F. AC(NE)/F&S/FPS-6837/2020/274-79 dated 08.07.2020 passed by Assistant Commissioner (North-East),

Shri Rishi Pal, Appellant/Prop. alongwith Counsel Shri Rahul Kumar, Advocate and Shri Rajesh Ahuja, Assistant Commissioner (North-East), Respondent were present.

The Case was called and heard at length.

The Counsel of Appellant submitted that on 02.04.2020 at night 4 bags of Rice were recovered and at that time the FPS was closed, Neither the owner nor the salesman of shop was available on the spot and his client was not aware from where the Police recovered 4 bags of rice in question and these bags neither belongs to him as the PDS supply comes in jute bags whereas these bags are of plastic bags and seems to be planted. He stated that his shop is situated at sensitive area and after unfortunate communal riots, some anti social elements of the area started conspiracy against the FPS. On 02.04.2020 some anti social elements of area came at the shop in question and threatened to appellant that either leave that shop or he will face consequences. It is worth while mentioning that hatred atmosphere against him was created by local anti social elements and targeted him to vacate shop in question.

As regards charges of variation in Wheat and Rice, he submitted that it is baseless as there has been no complaint against the FPS by any card holder. Due to chaotic situation everywhere in Covid-19 lockdown that cash memo book was not available with me. The crowd of card holders was impatient and everybody wanted to get ration as early as possible. Since, the ration was ordered to be distributed free of cost so the entry of sale was made in sale register and issued rough slips duly signed to card holders so that nobody deprived with the entitled quantity of SFAs and could not be got infected by COVID-19. The Counsel stated that the beneficiaries were receiving SMSs several times on their mobiles to get their entitled double quantity of SFAs (Regular + PMGKY) created a confusing situation in the mind of Card Holders that they will receive the ration twice or thrice in the same month accordingly, the card holders were approaching at the FPS to get

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their entitled ration twice or thrice whereas the FPS holder issued both the entitled quantity of SFAs in one go which led to many card holders getting the entry twice. The inspectorate staff miscalculated the quantity received and distribution made thereof by showing variation in wheat to the tune of 750 Kg wheat (excess) and 57 Kg Rice (short) (Net Variation 750Kg + 57Kg = 807Kg). Without any helping hand, the appellant opened shop to distribute the SFAs wherein the people gathered and surrounded his shop without queue and started mishandling with each other for taking ration and they became out of control situation and in process of distribution in such a tough time it may be possible that some entries were entered wrongly due to heavy crowd. The appellant rectified it later on so that charge of cutting or intentionally making double or triple entry is not maintainable. He further added that no FPS in Delhi have dealing on Computer System and the same was not available with this FPS also so it was impossible to rule out the double, triple entries at the time of distribution on spot. The fresh rectified data of record has been submitted during the course of hearing.

The Respondent submitted that the enquiry regarding bag seizure by Police is already under way at Police Station, Jafrabad. He stated that all the FPSs were provided CDV for social distancing and the excuse of over-crowding outside FPS as reason of multiple entries, cutting & overwriting seems out of place. The reason of multiple entries, cutting & overwriting by the licensee is not worth considering as the FPS holder should be aware about diligently maintaining the sale record and other account books as per Departmental's rules and regulations which he failed to do so. The FPS holder also not shown any concrete explanation and evidence to justify the variation found by the inspecting team.

After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it appears that the documents and clarifications submitted by the appellant requires further examination by the licensing authority before arriving at any conclusion.

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 new documents adduced by the appellant in the case.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.


24/05/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/ 51-54

Dated: 24-5-21

Copy to :-

1. The Assistant Commissioner (North-East), F&S Deptt. GNCT of Delhi
2. Shri Rishi Pal, Prop. M/s. Dhanno Devi (FPS No. - 6837), C-65 (Seelampur) through Asstt. Commissioner (North-East).
3. Shri Rishi Pal, Prop. M/s. Dhanno Devi Fair Price Shop (FPS No. 6837), Circle-65 (Seelampur) R/o 4/2257, Street No.2, Bihari Colony, Shahdara, Delhi-110032.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.


24/05/2021
(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY