

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/2021/55-58

Dated: 24-5-21.

Appeal No. 03/2021

In the matter of:

M/s. Moti Lal Dinesh Kumar,
FPS No. 5056 (A), Circle-12,
(Mangolpuri) Delhi
Smt. Raj Rani

.....

Appellant

Versus

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

.....

Respondent

ORDER

The order shall dispose of the appeal filed by Smt. Raj Rani W/o Late Shri Moti Lal, Prop. **M/s. Moti Lal Dinesh Kumar, FPS No. 5056 (A), Circle -12** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F.6/AC(W)/F&S/FPS No.5056 (A)/2021/230-39 dated 18.01.2021 passed by Assistant Commissioner (West),

Shri Shailender, Authorised Representative of the appellant and Shri Rajeev Chhabra, Assistant Commissioner (West) alongwith Smt. Sudha, FSI, (C-12) were present.

The Case was called and heard at length.

The Authorised Representative of Appellant submitted that the original FPS Licensee Shri Moti Lal Bansal expired on 27.12.2019 leaving behind 5 family members consisting his widow wife (appellant), 3 married daughters and 1 son 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 heart attack. After the demise of FPS licensee the Appellant submitted documents for Change in Constitution of FPS by transferring the proprietorship in her name to FSO concerned on 31.01.2020. He further submitted that at the time of submitting the application the required educational qualifications documents has not been submitted as the same has been lost somewhere many years ago. Now, she has obtained attested copy of 10th class passed certificate issued on 05.02.2021 by Govt. Girls Sr. Secondary School, Bela Road, Darya Ganj, New Delhi – 110002. The photocopy was submitted with the appeal. He further requested that the present appeal was filed slight late as the appellant has to approach before the school authorities

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for obtaining 10th class passed school certificate and requested to condone the delay. He submitted that the appellant is a widow aged about 63 years old and the said FPS is only source of her income.

The Respondent submitted that Smt. Raj Rani Bansal, proposed proprietor of M/s. Moti Lal Dinesh Kumar, FPS No. 5056(A) applied for change in constitution of firm on 31.01.2020 after demise of her husband, who expired on 27.12.2019. The authorisation of the FPS was cancelled vide order No.F.6/AC(W)/F&S/FPS No.5056(A)/2021/230-39 dated 18.01.2021 for not meeting out the essential educational eligibility criteria for change in constitution in the name of the Appellant. The Appellant could not produce any of the required educational qualification certificate, e.g. 10th class passed certificate and above educational qualification certificate before the Licencing Authority even after granting ample opportunities vide Call Memo dated 28.02.2020, 20.05.2020, 25.08.2020, 19.09.2020 and finally on 23.10.2020.

As per departmental policy and eligibility terms and conditions issued vide order no. 2002/F&S/(P&C)/04 dated 17.06.2002 for change in constitution in case of death only for PDS outlets "the applicant should be preferably 10th class passed from a recognised board or equivalent and be able to maintain books of Accounts. A proof in support of educational qualification should be attached. This condition is relaxable in special circumstances by CFS" Accordingly, matter was referred to competent authority with the request to take an appropriate decision for allowing relaxation in this case but the relaxation was not accorded by the Competent Authority and the Licencing Authority was directed to convey the regret in this respect. In view of the above said facts and circumstances, the Licensing Authority has no option but to cancel the authorization of this FPS in public interest. Accordingly, the FPS was cancelled vide order dated 18.01.2021 due to non submission of requisite documents provided under rules.

After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it revealed that the FPS Licensee Shri Moti Lal Bansal expired on 27.12.2019, leaving behind 5 family members consisting his widow wife (appellant), 3 married daughters and 1 son. It is submitted by the authorised representative of appellant that she has to approach before the school authorities for obtaining 10th class passed school certificate so the present appeal was filed slight late and requested to condone the delay accordingly considering request the delay for submitting application for change of constitution is condoned. During the course of hearing, it has been stated by the Authorised Representative that the appellant has obtained attested copy of 10th class passed certificate issued on 05.02.2021 by Govt. Girls Sr. Secondary School, Bela Road, Darya Ganj, New Delhi – 110002. The photocopy of above certificate was submitted with the appeal and the original was shown during the course of hearing which needs to be verified and examined by the Licensing Authority.

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 (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 all the 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.

Padmini
24/05/2024

(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2021/ 55-58

Dated: 24-05-2024

Copy to :-

1. The Asstt. Commissioner (West), F&S Deptt. GNCT of Delhi.
2. Smt. Raj Rani Bansal M/s. Moti Lal Dinesh Kumar (FPS No. – 5056(A), Circle-12 through Asstt. Commissioner (West).
3. Smt. Raj Rani Bansal M/s. Moti Lal Dinesh Kumar (FPS No. – 5056(A), Circle-12, R/o L-271, Mangol Puri, Delhi – 110083.
- ✓ 4. SSA (IT), HQ, F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.

Padmini
24/05/2024

(PADMINI SINGLA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

Pl. upload.

Amit-
Madan

Kujar
25/5/2024