

**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 Ph.No. 011-23379252**

No. Pa/Comin/AA/FPS Appeal/F&S/2021/544-548

Dated: 05/01/2022

**Appeal No. 31/2021**

In the matter of:

M/s. Amit Provision Store,  
FPS No. 7942, Circle-36 (Bijwasan)  
Delhi.

Shri Atul Bhardwaj

.....

Appellant

Versus

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

.....

Respondent

**Date of Hearing: 24.12.2021**

**ORDER**

This Order shall dispose of the appeal filed by Shri Atul Bhardwaj, Prop. M/s. Amit Provision Store, FPS No. 7942, Circle - 36 (Bijwasan) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No.F&S/AC(W)/C-11/5801/2021/1484-92 dated 05.06.2021 passed by Assistant Commissioner (West).

Shri Gopal on behalf of appellant was present with authority letter from appellant.

Shri Rajeev Chhabra, Assistant Commissioner (South - West)/ respondent was present.

The Case was called and heard at length.

The Appellant submitted that he was authorised to distribute the SFAs to entitled beneficiaries by the Department through FPS No. 5801 and he was running the said FPS with the authorisation which was expired on 10.07.2021 and the renewal of the same was due. He submitted that he could not apply online for renewal of Licence due to non preparation of Fixed Deposit Certificate by the bank and delay was occurred due to know your customer (KYC) updation problem in the bank. He stated that he came to know about changed procedure for renewal of license of FPS through online mode instead of offline mode through show cause notice dated 28.08.2021. He pleaded that being a layman he was completely unaware about the changed procedure of renewal of licence and reduction of time period from three months to one



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month in online mode. He stated that the offline application was submitted to 19.08.2021 whereas the licence was valid upto 10.07.2021 and there was slight delay of 10 days which was unintentional and requested for condonation as the lapse was due to failure of submission of F.D. which was prepared late by the Bank due to their procedural updation. He further requested to grant permission for applying online.

The Respondent submitted that the appellant did not submit the authorisation renewal application alongwith required documents for renewal of licence online within the stipulated period which is the violation of the Departmental Order dated 24.07.2019 as well as terms and conditions laid down for granting the license under the relevant provision of Delhi Specified Articles (Regulation & Distribution) Control Order – 1981 and the Public Distribution System (Control Order) 2001.


He further elaborate that as per para 6 of the above said Departmental Order dated 24.07.2019, "In case no application for renewal of FPS License is made online ever after 30 days of the expiry of the Licence, the Zonal Assistant Commissioner shall initiate necessary action for Suspension and Cancellation of the FPS license as per the provisions of Control Order, 1981". Accordingly, after granting opportunity of being heard in person or through authorised the shop was cancelled vide order in question.

After hearing contentions of the parties, examining written/verbal submissions and perusing other relevant records placed before me, it is noted that the authorisation of FPS was valid upto 10.07.2021 and the petitioner failed to submit the documents online for renewal of Licence due to ignorance and non submission of Fixed Deposit Certificate which was unintentional as the lapse was due to failure of submission of Fixed Deposit Certificate which was prepared late by the Bank due to their procedural KYC updation. He submitted the requisite documents in Circle Office on 19.08.2021 with slight delay of only 10 days. It seems that the delay was circumstantial. So, I am of the considered view that one more opportunity to petitioner will serve the purpose of natural justice.

Accordingly, considering the facts, circumstances and fair adjudication, the I.T. Branch of the Head Quarter is directed to take necessary action for allowing online for renewal of licence in consultation with Licensing Authority / Assistant Commissioner (South-West), who will afford one more opportunity to petitioner and decide the matter afresh on merits. However, it is left open to Licensing Authority to see that other conditions mentioned in the Departmental orders issued from time to time are met by the applicant.

The appeal is disposed of.

Parties be informed accordingly.

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

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No.PA/COMI/AA/FPS Appeal/F&S/2021/544-548

Dated: 05/01/2022

Copy to :-

1. The Assistant Commissioner (South-West), F&S Deptt. GNCT of Delhi.
2. SSA (T) for necessary action.
3. Shri Atul Bhardwaj, Prop., M/s. Amit Provision Store (FPS No. – 7942), C-36 (Bijwasan) through Assistant Commissioner (South-West).
4. Shri Atul Bhardwaj, Prop., M/s. Amit Provision Store (FPS No. – 7942), C-36 (Bijwasan), R/o G-116, Street No.5, Raj Nagar-II, Palam Colony, Palam Village, South-West Delhi – 110045.
- ✓ 5. SSA(IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Depar mental website.



(NEERAJ SEMWAL)

COMMISSIONER (F&S)/APPELLATE AUTHORITY