

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

No.PA/COMM./AA/FPS Appeal/F&S/2020/700-701

Dated: 17.12.2020

Appeal No. 20/2019

In the matter of:

M/s Gupta Store,
FPS No. 7564, Circle-50 (Mubarakpur)
Delhi

Sh. Naveen Chand Gupta

Appellant

Versus

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

Respondent

ORDER

Whereas, Sh. Naveen Chand Gupta, the licensee/proprietor of M/s. Gupta Store, FPS No. 7564, Circle-50 filed appeal dated 20.02.2019 under Delhi Specified Articles (Regulation of Distribution) Order, 1981, against the Cancellation Order of dated 22.01.2019 passed by the Respondent.

The case was called and both the parties were heard at length.

The Licence of FPS No. 7564 M/s. Gupta Store was renewed w.e.f. 14.11.2007 to 13.11.10 and after that it was not renewed. The FPS Holder made a request dated 25.10.2018 for renewal of licence of FPS No. 7564 M/s. Gupta Store. The Shop was suspended vide order dated 30.10.2018. The Licensee failed to produce any documentary proof except renewal fee receipt for Rs.500/- bearing Receipt No.000006321 dated 29.10.2010. The FPS owner not tendered any other document regarding submission of licence renewal case for due renewal w.e.f. 14.11.2010. The FPS holder was given opportunity vide Suspension Cum Show Cause Notice dated 30.10.2018 with the direction to explain and submit required document by appearing on 02.11.2018 but he failed to appear. The Licensee did not get the license of FPS No.7564 renewed w.e.f. 14/11/2010 and by committing the discrepancy the FPS holder violated the provision of Delhi Specified Article (Regulation of Distribution) order, 1981. Accordingly, the shop was cancelled vide order in question. The Licensing Authority submitted comments on 13.03.2019 which are placed on the file.

The Petitioner submitted the following:

1. That vide application dated 10.05.2008 the Licensee submitted a application to FSO (Circle-08), Sheikh Sarai intimating therein that he was not in a position to place the draft of Wheat and Rice for distribution of SFAs to the APL cardholders due to less allocation as he was unable to fulfil the demands of the Cardholders.
2. That considering the request of FPS holder the Asstt. Comm. (South) vide order dated 14.05.2008 had linked 564 food cards with other FPS No.7109 and since then the FPS no.7564 M/s. Gupta Store had became up-operational.

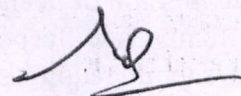
Contd.....2/-

3. That the FPS holder deposited renewal fee of Rs.500/- vide cash receipt bearing No.000006321 dated 29.10.2010 alongwith other relevant papers for renewal of license which is valid upto 13.11.2010. The Licensee vide his letter dated 04/08/2017 and dated 18.09.2017 had requested to change the address of business premises and renewal of license.
4. That during the period w.e.f. 2010 to 2017 the FPS holder remained on medicine due to removal of Kidney and was advised not to do hard work and regular check up and medicines were needed during the period. Now the Licensee was recovered and declared fit by the Doctor vide Medical Fitness Certificate dated 11.02.2019.
5. That the Licensee was surprised to know that action on his request for shifting of business premises and renewal of license was not being taken as his original file and documents maintained by the Department were not traceable and are missing for which a circular dated 08/09/2016 and 06/11/2018 was issued by the Department.

The Asstt. Commissioner, (New Delhi) respondent admitted to the extent that an order dated 30.10.2018 has been issued to the licensee and while issuing the order dated 22.01.2019 full opportunity was given to the licensee. No irregularities were made in issuing the cancellation order and it was done after following due process of law and after consideration of all the facts presented by the licensee. The NFS cards of the shop in question was link to other FPS as per order dated 14.05.2008.

After hearing contentions of both the parties, examining written submissions and perusing other relevant records placed before me, it is noted that the authorization of the shop was valid upto 13.11.2010 and after that it is not renewed. The licensee failed to tendered any documentary proof expect renewal fee receipt for ₹ 500/- bearing No. 000006321 dated 29.10.2010. Approximate after 09 years the licensee awaked and filed the present appeal. During the such a long period he could not bother to represent about the fate of his case from the department. Hence, I am of the considered view that the appeal have no merit hence rejected.

The case is disposed of. Parties be informed accordingly.



(G.S. MEENA)

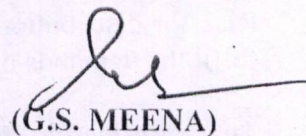
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/Comm./AA/FPS Appeal/F&S/2020/ 700-701

Dated: 17.12.2020

Copy to :-

1. The Asstt. Commissioner (New Delhi), F&S Deptt., Delhi.
2. Sh. Naveen Chand Gupta, Prop. of M/s Gupta Store, FPS No. 7564, Circle-50 through Asstt. Commissioner (New Delhi).



(G.S. MEENA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY