

**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/ 694-95

Dated: 17.12.2020

Appeal No. 13/2020

In the matter of:

M/s Kishank Raj Arihant Shop,
FPS No. 9413, Circle-36 (Bijwasan)
Delhi

Ms. Yogita

..... Appellant
Versus

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

..... Respondent

ORDER

Whereas, Ms. Yogita, the licensee/proprietor of M/s. Kishank Raj Arihant, FPS No. 9413, Circle-36 filed appeal dated 01.09.2020 under Delhi Specified Articles (Regulation of Distribution) Order, 1981, against the Cancellation Order of dated 06.08.2020 passed by the Respondent.

Ms. Yogita, Appellant alongwith Shri Shailender, Authorised Representative and Shri Deshraj, Respondent present.

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

That the appellant filed the present appeal to challenge the Cancellation order dated 06.08.2020 passed by the Assistant Commissioner (South-West).

On receipt of a call from PS Kapashera, FSI visited the Police Station Kapashera wherein a person was detained by the Police who disclosed that the goods intercepted by the Police were of FPS No. 9413 M/s Kishank Raj Arihant. On the information, FSO and FSI circle-36 conducted a physical verification of the shop in question on 21.05.2020 at 11.45 AM. The owner was present and produce relevant record. The inspecting team prepared stock inventory in the presence of FPS holder and independent witnesses and found variation to the tune of Wheat-31.16 Qtls.(Short), Rice-3.95 Qtls. (Short), Dal-5.8 Qtls. (Short) and Essential Kit 860 numbers (Short).

Suspension cum Show Cause notice dated 21.05.2020 was issued with the direction to show cause the reason of such lapse in writing by appearing before the Licensing Authority either in person or through Authorised Representative on 04.06.2020 at 11.30 A.M. Vide note dated 26.05.2020 the inspecting FSO raised the issue of typographical mistake in the physical quantity of Dal claiming that the actual quantity was mentioned as 2.780 Qtls. instead of 2780 and thus the actual shortage of Dal comes to 8.322 Qtls. instead of 5.814 Qtls. The rectification was allowed by issuing a corrigendum.

The Licensee vide her application dated 01.06.2020 and 03.06.2020 sought copies of stock variation statement and Sales Stock Register and the same were provided to her. She also sought ten days time for filing reply. Accordingly the hearing was fixed for 19.06.2020 and thereafter 03.07.2020. On 03.07.2020 she did not appear, accordingly on 09.07.2020 the final notice of hearing on 14.07.2020 was issued. In response to final notice she appeared on 14.07.2020 and filed her written submission dated 05.06.2020 alongwith six daily sales register and stock register.

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In written submission dated 05.06.2020 she claimed that due to nervousness she could not hand over the record to Inspecting Officer and also failed to obtain signature on Sales Register of the beneficiaries due to COVID. She also pleaded that to ascertain the actual distribution of SFAs and Kits door to door survey may be got conducted.

The A.R. submitted that no complaint from any one out of 860 ration cardholders has been received by the department regarding non delivery of SFAs. He explained the socio economic status of the Licensee and stated that the FPS is the only source of income for her. He further stated that if Department allowed door to door survey the Licensee is ready to present all beneficiaries in turn. As regards the charge of not obtaining the signatures of the beneficiaries in sales register, he submitted that the same was not done as a precaution during Covid pandemic.


The Licensing Authority received explanation from the appellant and found unsatisfactory as the shortage of SFAs even from the balance allocation (50%) meant for distribution in July 2020, leaves no doubt that SFAs have been diverted by the FPS and thus even door to door verification may also serve no purpose. Accordingly the shop was cancelled vide order dated 06.08.2020. He further submitted that 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.

After hearing contention of both the parties, perusing their written/oral submissions and examining other relevant record placed before me, it seems that the contention of appellant was not properly addressed while cancelling the FPS. It is felt that a door to door survey of beneficiaries attached with the FPS would serve the interest of justice and fair play as the A.R. also stated that the petitioner had requested before respondent for a door to door survey of all the card holders for any anomaly in public distribution of the SFAs, but the same had been declined.

Therefore, keeping in view of principle of natural justice, fair and impartial adjudication, it is felt that a door to door survey of beneficiaries attached with the FPS would serve the interest of justice and fair play. Accordingly the case is remanded back to Licensing Authority, Asstt. Comm. (South-West) with the direction to decide the matter afresh on merits of the case.

The appeal stands disposed off.

Ordered accordingly. Parties be informed.



G.S. MEENA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/Comm./AA/FPS Appeal/F&S/2020/ 694-95

Dated: 17.12.2020

Copy to :-

1. The Assistant Commissioner (South-West), F&S Deptt., GNCT of Delhi.
2. Ms. Yogita, Proprietor of M/s. Kishank Raj Arihant Shop, FPS No.9413, Circle-36, New Delhi through AC (South-West).



(G.S. MEENA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY