

**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/2021/ 539-542

Dated: 05-1-2022

Appeal No. 22/2021

**M/s. Jai Kishan Co-operative
Multipurpose Society Ltd.
FPS No. 4815, C-09 (Kirari).**

Shri Vikas

.....Appellant

Versus

**The Assistant Commissioner (North-West)
Deptt. of Food Supplies & Consumer Affairs,
Delhi .**

.....Respondent

Date of Hearing 24.12.2021

ORDER

The instant Appeal has been filed by Sh. Vikas, Appellant, **M/s. Jai Kishan Co-operative Multipurpose Society Ltd., FPS No. 4815, C-09 (Kirari)** under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No. F.6/F&S/AC(NW)/FPS-4815/2018/1511-17 dated 15.10.2018 passed by Assistant Commissioner (North West).

Shri Vikas, President alongwith Shri Shailendra, Authorised Representative were present.

On behalf of Assistant Commissioner (NW)/Respondent Shri Mahabir Singh, FSO (C-09) and Shri Deepak, FSI (C-09) were present.

Case called and heard at length.

The FPS was being run by Co-Operative Society under Circle-09 (Kirari) under Distt. North- West had not applied for renewal of licence alongwith relevant documents w.e.f. 11.04.2009 ever after lapse of stipulated period i.e. three years. The Assistant Commissioner (NW) issued various

letters dated 22.07.2017, 22.08.2017, 08.11.2017 and 18.05.2018 to President / Secretary (Office bearers) of the Society with the request to submit the following requisite documents for renewal of license of FPS No. 4815 i.e. :-

- (i) Copy of registration certificate issued from the O/o Registrar co-operative Societies, GNCTD.

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- (ii) Audit Report for the last three years.
- (iii) Minutes of the meeting of General Body of Society.
- (iv) Last election held in respect of the General Body of the Society.
- (v) The names of the office bearer of General Body of Co-Operative Society.
- (vi) Fix deposit of Rs.10,000 in respect of Security Money and Rs. 1000/- in r/o Licence fee.

The Appellant failed to submit the abovementioned requisite document for renewal of License till date. Whereas, The Assistant Commissioner also issued various letters dated 05/05/18, 28/05/18, 06/07/18 and 01/08/2018 to Deputy Registrar (NW) to confirm the validity of registration but no reply has been received from the O/o Registrar Co-Operative Society, GNCTD of Delhi till date.

As per Circular No.F.3(2)/2013/F&S/P&C/665-669 dated 17/07/2018 issued by Policy Branch of the Department the following documents are required from the Co-operative Societies running FPS is as under:-

- (i) Active Status of the Society, whether the Society is functional as per provision of Delhi Cooperative Societies Act, 2003.
- (ii) Latest Audit Report of the Cooperative Society.
- (iii) Resolution of the Cooperative Society with name of the person authorized to run the Fair Price Shop.

The Assistant Commissioner had given various opportunities but all in vain and due to non submission of requisite documents the FPS No. 4815 placed under suspension vide Order dated 04.09.2018 followed by Cancellation Order dated 15.10.2018.

The Authorised Representative of the Appellant submitted that the authorisation of FPS was issued on 21/03/1978 and till date no complaint against him by any beneficiary or by the Department. He stated that the Appellant was registered with Registrar of Co-Operative Society, Delhi since, 1967 vide Registration No. 168(P) dated 30.12.1967. He submitted that the society is continuing trying to get audited from the Office of Registrar Co-Operative Societies, Delhi. A photocopy of letter dated 10.10.2017 addressed to Assistant Commissioner (Society) was also tabled by him during the course of hearing. He added that due to some unavoidable circumstances, the Office of Registrar Co-Operative Societies, Delhi is unable to supply the requisite information and there is no fault of the appellant. The A.R. of the Appellant further submitted that the licence of the FPS was cancelled due to non supply of document of active status from the Office of Registrar Co-Operative Societies, Delhi which is beyond the control of the appellant to provide the records and audit report from their office as the same shall be provided by the Office of Registrar Co-Operative Societies.

He contended that even the Department pursue the matter with Office of Registrar Co-Operative Societies vide different letters from time to time but all in vain and it is the responsibility of the Department to obtain the documents in question from Office of Registrar Co-Operative Societies in official capacity. The Authorised Representative submitted the photocopy of the result of election of managing committee dated 07.10.2018 conducted by the Returning Officer appointed by the Office of

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Registrar Co-Operative Societies as a proof of active status of the society and argued that if the society is not active then the election would not be conducted by them. He also placed the unaudited copies of balance sheets for the year 2015-2016, 2016-2017 & 2017-2018. He requested to allow the FPS license to the tune of precedent in the year 2006-2007 in similar facts and circumstances.

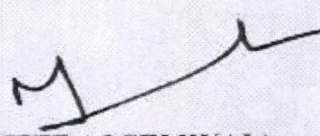
The FSO & FSI (C-09) present on behalf of Respondent reiterated the contents of cancellation order dated 15.10.2018 and submitted that ample opportunities were given to appellant vide notices issued from time to time but he refrain himself by not submitting the requisite documents which are necessary for renewal of License of the FPS. In absence of the requisite documents the department has no option to renew the authorization of the FPS No. 4815. Accordingly, the FPS was cancelled vide order in question after following due procedure.

After hearing contentions of both the parties, examining their written/verbal submissions and perusing other relevant records placed before me, it is noted that as per the Departmental Circular No.F.3(2)/2013/F&S/P&C/665-669 dated 17/07/2018, the petitioner is yet to submit the requisite documents which are compulsory for renewal of License of the FPS. It is also noticed that the Department pursued the matter with Office of Registrar Co-Operative Societies vide letters dated 05/05/18, 28/05/18, 06/07/18 and 01/08/2018 to confirm the validity of registration, but no reply has been received from the O/o Registrar Co-Operative Society, GNCTD of Delhi till date. It is also noticed that the A.R. of the appellant submitted the result of election of Managing Committee which was conducted by the Returning Officer appointed by the Office of Registrar Co-Operative Societies as a proof of active status of the society which can not be ignored. So, I am of the considered view that one more opportunity to petitioner will serve the purpose of natural justice.

In view of considering the facts, circumstances and fair adjudication, the case is remanded back to Assistant Commissioner (North-West)/Licensing Authority who shall consider the petitioner's case again within three months, uninfluenced by the fact that those documents have not been supplied at the initial stage and also uninfluenced by the question of delay.

The appeal is disposed of.

Parties be informed accordingly.


(NEERAJ SEMWAL)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM/AA/FPS Appeal/F&S/2021/ 539-542

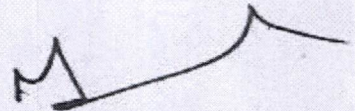
Dated: 05-01-2022

Copy to :-

1. The Assistant Commissioner (North-West), F&S Deptt. GNCT of Delhi
2. Sh. Vikas, President/Appellant, M/s. Jai Kishan Co-operative Multipurpose Society Ltd. FPS No. 4815, C-09 (Kirari) through Assistant Commissioner (North-West).

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3. Sh. Vikas, President/Appellant, M/s. Jai Kishan Co-operative Multipurpose Society Ltd. FPS No. 4815, C-09 (Kirari), D-10, Prem Nagar-I, Kirari, Delhi - 110086.
- ✓ 4. SSA(IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



(NEERAJ SEMWAL)

COMMISSIONER (F&S)/APPELLATE AUTHORITY