

**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.**

No.PA/COMM./AA/FPS Appeal/F&S/2019/ 931-33

Dated: 06.09.2019

**APPEAL NO. 48/2018**

In the matter of :

M/s. Balaji Store

FPS No. 7368, Circle-30, WZ-35 D, Village-Poshangipur,  
Delhi

Shri Kanwal Krishan

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V/s

Appellant

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

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Respondent

<b><u>ORDER</u></b>
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Whereas, the license/authorization of M/s Balaji Store, FPS No.7368, C-30 (Janakpuri) was cancelled vide order no. F(SCN)/AC(W)/2018/2285-93 dated 01/12/2018 in view of the following findings of Inspection Team during inspection conducted on 09/10/2018:-

1. FPS was found locked at the time of visit.
2. Stock Register was not produced by licensee.
3. Two doors were found in the business premises.
4. Stock position was not displayed.
5. Did not produce documents in support of using additional godown.
6. Non-maintenance of books of records i.e. stock register is strongly suggestive of malpractice by the FPS.

And whereas, the licensee Sh. Kanwal Krishan, filed an appeal dated 31/12/2018 under clause (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the cancellation order before the Commissioner, Department of Food & Supplies, GNCTD.

And whereas, during the course of hearing, the Appellant, through his authorized representative, submitted that his reply to Show Cause Notice was not considered by the respondent before issuing the cancellation order. In compliance of Show Cause Notice he went to appear before the AC but he was not available in his office on 20.10.2019. Further, regarding stock register, he argued that the same had been misplaced during MLA visit but later found and photocopies were provided to the office at a later date. On using additional space to keep food grains, appellant clarified that he had to shift some quantity of SFAs to nearby shop in same building as the food grains were getting spoilt due to rain water in his own shop. Counsel for the appellant concluded his submissions that since there was no variation in stocks, the appellant be granted another opportunity to run the shop.

And whereas, the Respondent contended that during inspection of the shop by the Enforcement team, grave discrepancies/violations were found. These included storage of SFAs in unauthorized premises, non-display of stock position and non production of Stock register to the

inspecting team, all of which are strongly suggestive of mal-practice by the FPS. Stock Verification Statement could not be made as Stock Register was not made available to Enforcement Team during inspection. Stock Register was required to be shown to Enforcement Team as per the Control Order, 1981. When the appellant appeared before the respondent he had nothing more to explain. All the submissions made by the Appellant were taken into account and the opportunity was provided to him to explain the irregularities found in his shop during inspection.

After hearing contentions of both the parties, examining their written submissions and perusing other relevant records, it is observed that as per the Terms & Conditions of the FPS authorization the licensee is responsible for safe keeping of records & for making them available for inspection as and when required. During the inspection by the Enforcement Team neither the stock position was displayed at the FPS and nor the licensee as mandated was able to produce Stock Register which clearly shows his inability to maintain proper records which is a necessary condition for operation of FPS under the license issued. Due to non production of Stock Register during the time of inspection the Stock Variation Statement could not be prepared. Belated production of Stock Register is of no significance in this matter.

Further, the contention regarding use of nearby shop for storing SFA's is found to have no base as the license is valid only for the premises specified therein and use of additional space for storage of SFA's in exceptional circumstances requires prior permission of the authority in writing which was not obtained by the Licensee/Appellant.

During the inspection the FPS was not found open and during hearing of the appeal the appellant was found completely unaware of the number of cards attached to his FPS indicating ignorance and non serious attitude towards management of the shop.

And whereas, in view of the above, it is found that this is a clear case of mismanagement and unprofessionalism in running the shop causing hardship to the general public and that the appellant has violated the terms and conditions of the license issued to him under Delhi Specified Articles (Regulation of Distribution) Order, 1981.

Therefore, in exercise of power conferred upon me under the provisions of Delhi Specified Articles (Regulation of Distribution) Order, 1981, the Cancellation of the Authorization/License of M/s Balaji Store, FPS no. 7368 vide order dated 01/12/2018 is upheld and the appeal is accordingly disposed off.

*[Signature]*  
06/09/19

(ANKITA MISHRA BUNDELA)

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2019/ 931-33

Dated: 06.09.2019

Copy to :-

1. The Assistant Commissioner (North-West), GNCTD of Delhi.
2. Shri Kanwal Krishan, Prop. of M/s. Balaji Store, FPS No. 7368, Circle-30, WZ-35 D, Village-Poshangipur, Delhi
3. M/s. Balaji Store, FPS No. 7368, Circle-30, WZ-35 D, Village-Poshangipur, Delhi.

*[Signature]*  
06/09/19

COMMISSIONER (F&S)/APPELLATE AUTHORITY