

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
Ph.No. 011-23379252

PS/Comm/AA/FPS Appeal/FES/2021/489-492

Dated: 15.12.2021

Appeal No.26/2021

In the matter of:

M/s. JantaKhadyaBhandar,
FPS No. 8542, Circle-26 (Madipur)
Delhi.
Smt. Anjna Devi

Appellant

Versus

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

Respondent

Date of Hearing: 09.12.2021

ORDER

The Order shall dispose of the appeal filed by Smt.Anjna Devi, Prop. M/s. JantaKhadyaBhandar, FPS No. 8542, Circle -26 (Madipur) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No.F&S/AC(W)/C-26/8542/2021/2146-53 dated 11.08.2021 passed by Assistant Commissioner (West).

Smt. Anjna Devi, appellant was present.

Shri Rajesh Shakkarwal, Assistant Commissioner (West), respondent alongwith Shri Ramesh Kumar Gauri, FSO (C-26) were present.

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

The petitioner submitted that on 14.01.2021 a team of FSO (C-26) & FSI (C-26), Madipur inspected the FPS. The team reported total variation to the tune of 69.71 Qtls.(Wheat – 53.45 Qtls., Rice – 15.95 Qtls., Short & Sugar 0.31Qtls. Excess). The shop was suspended vide notice dated 29.06.2021 on the ground of variation. The petitioner stated that there is no variation as the

stock variation statement was prepared by the team thrice just to manipulate the original facts. The FSI (C-26) submitted the incorrect SVS as well as it was revealed from inspection of file that the SVS was not even signed by the FSO. The team just want to make applicant as scapegoat just to prove themselves right. No complaint of any beneficiary regarding non receiving of ration was recorded till

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date. She requested for door to door survey to ascertain actual position of distribution of SFAs to beneficiaries. Smt. Anjana Devi submitted that she had distributed all the SFAs to the beneficiaries but she could not record those transactions in the stock register and was also unable to deduct cash memos due to ill health. She added that the matter was decided ex-parte without providing opportunity of being heard and requested for an opportunity of hearing.

The Respondent submitted that on 14.01.2021 a inspection was conducted by FSO and FSI (C-26) and the inspection team reported **Total Variation to the tune of 69.71 Qtls.(Wheat – 53.45 Qtls., Rice – 15.95 Qtls., Short & Sugar 0.31Qtls. Excess)**. The shop was suspended vide notice dated 29.06.2021 on the ground of variation to the tune of 69.71 Qtls. He submitted that ample opportunity i.e. on 13.07.2021 and 24.07.2021 of being heard were offered to FPS holder. On 13.07.2021 Smt. Anjana Devi appeared and stated that she had distributed all the SFAs to the beneficiaries but she could not record those transactions in the stock register and was also unable to deduct cash memos due to ill health. The reply submitted by the FPS holder found unsatisfactory and as per guidelines of the Department, the variation in the case is more than 100 kg suspension of licence with forfeiture of whole security amount and FIR lodged in P.S. Punjabi Bagh, Delhi by FSO concerned.

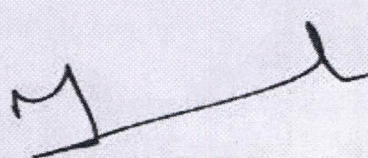
The Assistant Commissioner (West)/Licensing Authority strongly argued that as reported by the inspecting team such a huge variation to the tune of 69.71 Qtls (excess) SFAs could not be ignored. Sufficient opportunities were given to the petitioner to submit reply but she failed to submit concrete reply. The irregularity committed by the FPS holder is very serious and don't call for any leniency towards her.

After hearing contentions of both the parties, examining their written/verbal submissions and perusing other relevant records placed before me, it is evident that the Licensing Authority afforded ample opportunities to submit the clarification but the Appellant failed to submit concrete reply and thus acted in an irresponsible manner by violating the terms and conditions of the license. This is a grave violation of the terms and conditions of the authorisation. The Licensee is bound to comply with the terms and conditions of the License and the Fair Price Shop holder is responsible for carrying out retail sale of Specified Food Articles in accordance with the directions and instructions issued from time to time regarding purchase, sale and storage of Specified Food Articles. Therefore, I do not see any reason to modify or set aside the order passed by the Licensing Authority.

In view of above, I am of the considered view that the appeal filed by the petitioner has no merit hence the Cancellation Order dated 11.08.2016 passed by the Assistant Commissioner (West) is hereby upheld and the appeal is dismissed.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.


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

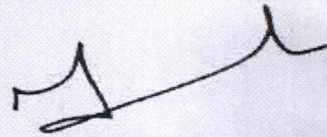
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No. PS/Comm/AA/FPS Appeal/F&S/2021/ 489-492

Dated: 15.12.2021

Copy to:

1. The Assistant Commissioner (West), F&S Deptt. GNCT of Delhi.
2. Smt. Anjna Devi, Prop. M/s. Janta Khadya Bhandar, FPS No. 8542, Circle-26 (Madipur), Delhi through Assistant Commissioner (West).
3. ✓ SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.
4. Smt. Anjna Devi, M/s. Janta Khadya Bhandar, FPS No. 8542, Circle-26 (Madipur), R/o H.No. C-107, J.J. Colony, Madipur West Delhi – 110068.



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