

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.

No. PS/Comm/AA/FPS Appeal/F&S/2021/ 475-478

Dated: 15.12.2021

Appeal No. 20/2021

In the matter of:

M/s. Hari Om Store,
FPS No. 7103, Circle-10 (Sultan Pur Majra)
Delhi.

Shri Mahesh Kumar

Appellant

Versus

The Assistant Commissioner (North-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 Shri Mahesh Kumar, Prop. M/s. Hari Om Store, FPS No. 7103, Circle -10 (Sultan Pur Majra) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against Cancellation Order dated 17.07.2021 passed by Assistant Commissioner (North-West).

Shri Mahesh Kumar, Appellant alongwith Shri Shailender, Authorised Representative were present.

Shri Naveen Mehendiratta, Assistant Commissioner (North-West) Respondent present.

The Case was called and heard at length.

The Authorised Representative of Appellant submitted that the original FPS Licensee Shri Omkar expired on 15.03.2019 leaving behind 5 family members consisting his widow wife, 02 daughters and 02 sons including appellant. Vide application 25.05.2019 Smt. Bala (Wife of deceased) requested to allow her younger son (Shri Mahesh Kumar) to run the FPS. The A.R. submitted that at the time of submission of said application both the sons of FPS holder were non-metric. She requested for relaxation in educational qualification for change in constitution in favour of her son. The file was submitted to CFS for relaxation in educational qualification for change in constitution in special circumstances, the

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CFS vide direction dated 16.08.2019 had not approved the same. The Assistant Commissioner (North-West) issued a written notice on 04.01.2020 in this regard. The A.R. stated that the appellant has the responsibility of his 65 years old widow mother and other family member and the FPS is only source of income for livelihood. Now, the appellant passed the Xth Class examination from National Institute of Open Schooling in the examination year October, 2020. He further stated that now the appellant fulfils all the conditions as per guidelines laid down in Departmental Circular and requested for restoration of authorisation in his favour.

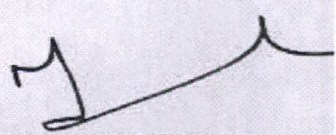
The Respondent submitted that the FPS was originally allotted on 17.01.1986 to the father of the appellant and the licencee expired on 19.03.2019. After his demise the appellant applied for change in constitution in his favour but the same was rejected on the ground of not fulfilling the minimum educational qualification as the appellant is not Xth class passed. Vide representation dated 20.09.2019 the appellant submitted request for relaxation in educational qualification in special circumstances but the same was not approved by the Competent Authority. A written notice No.F.I (3)/AC (NW)/F&S/2019-20 dated 04.01.2020 was issued in this regard. Now, as submitted by the appellant he passed the Xth Class examination which is a matter of record.

After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant records placed before me, it is seen that the FPS Licensee Shri Omkar expired on 15.03.2019, leaving behind 5 family members consisting his widow wife, 02 daughters and 2 sons. The legal heir requested for change in constitution vide application dated 25.05.2019 in favour of younger son i.e. Shri Mahesh Kumar, Appellant who is non matric at that time. Now, the appellant passed the Xth Class examination from National Institute of Open Schooling in the examination year October, 2020 and requested for restoration of authorisation in his favour.

In view of above, considering the facts, circumstances and reasons given by the petitioner and in the interest of principle of natural justice and fair adjudication, the case is remanded back to Licensing Authority / Assistant Commissioner (North-West) for verifying the educational qualification documents as adduced by the appellant during the course of hearing from concerned authorities and taking further necessary action as per relevant rules and regulation. However, it is also left open to Licensing Authority to see that other conditions mentioned in the Departmental orders issued from time to time are met by the applicant. The petitioner is advised to approach the Licensing Authority for further necessary action.

The appeal stands disposed of.

Ordered accordingly. Parties be informed.


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

No.PS/COMM/AA/FPS Appeal/F&S/2021/475-478

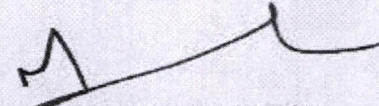
Dated: 15/12/2021

Copy to :-

1. The Assistant Commissioner (North-West), F&S Deptt. GNCT of Delhi.

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2. Shri Mahesh Kumar, M/s. Hari Om Store, (FPS No. - 7103), C-10 through Assistant Commissioner (North-West).
3. Shri Mahesh Kumar, Prop., M/s. Hari Om Store, (FPS No. - 7103), C-10, C-6/372-373, Sultanpuri, 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