

GOVT. OF NCT OF DELHI
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS
OFFICE OF THE SPECIAL COMMISSIONER/APPELLATE AUTHORITY
ROOM No.110, 1st FLOOR, K-BLOCK, VIKAS BHAWAN, I.P. ESTATE
NEW DELHI-110002

F. No.SPL.COMM./AA/FPS Appeal/F&S/2024/524-527

Dated: 28/6/24

Appeal No. 21/2022

In the matter of:

M/s Champa Provision Store
FPS no.5978, Circle-24,
Shop No. 25, CSC
DDA Market, Ranjit Nagar (Patel Nagar).....
Delhi 110008
Mr. Raj Kumar Gupta (Partner).

Appellant

Versus

The Assistant Commissioner (Central)/LA
Deptt.of Food Supplies & Consumer Affairs
GNCT of Delhi

Respondent

ORDER

Sh. Raj Kumar Gupta, Partner of M/s Champa Provision Store (FPS No. 5978) Circle-24, filed an appeal dated 28.10.2022 under clause 6(6) Delhi Specified Articles (Regulation of Distribution) Order, 1981, against the Cancellation Order No.F.AC(C)/F&S/FPS-5978/2017/1910-1918 dated 29.03.2017 passed by the Respondent i.e. Assistant Commissioner (Central)/Licensing Authority.

Brief facts of the case:-

The Department of Food Supplies and Consumer Affairs issued an authorization of FPS No. 5978, M/s Champa Provision Store in partnership to Sh. Bhanu Ram and Sh. Raj Kumar Gupta. The Licensing Authority/ Asst.Commissioner (Central) cancelled the FPS authorization vide order dated 29.03.2017 for delayed intimation of death of one of the partners i.e. Sh. Bhanu Ram to the Food and Supply Department. As per the departmental guidelines the prescribed timeframe for intimating the Licensing Authority for such incidents is 30 days only. The present appeal was filed against the cancellation order dated 29.03.2017 passed by the Respondent.

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The appellant submitted and argued as under:-

That Sh. Bhanu Ram the partner in FPS No.5978, M/s Champa Provision Store passed away on 03.08.2016 and thereafter the appellant applied to the Licensing Authority on 14.09.2016 for change in constitution of the FPS to induct Sh. Rajesh Bansal as new partner. The Licensing Authority issued a Show Cause notice dated 07.01.2017 seeking clarification regarding the changed name of the deceased partner Sh. Bhanu Ram as the death certificate submitted by the appellant was on the name of Sh. Jai Bhagwan instead of recorded/registered name Sh. Bhanu Ram with the F& S Department. In response, the appellant submitted that he was unaware that the deceased partner Sh. Bhanu Ram had a different name in his other documents and requested to continue the functioning of the above FPS till the time any decision on change in constitution is taken. The Licensing Authority suspended the FPS authorization on 16.01.2017 and subsequently cancelled vide its impugned order dated 29.03.2017.

However, the appellant during the hearing/ proceedings himself submitted the request to withdraw his instant appeal No.21/2022 in respect of FPS no.5978 (Cancelled), M/s. Champa Provision Store.

The respondent submitted and argued as under:-

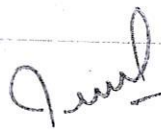
That the FPS No. 5978 M/s Champa Provision Store was authorized to function in partnership by the then Licensing Authority under certain terms and conditions to be strictly adhered to. The appellant informed the department regarding the death of major partner Sh. Bhanu Ram and applied for change in constitution and to induct Sh. Rajesh Bansal (claimed to be the son of deceased partner Sh. Bhanu Ram) as the associate partner in the firm. However the death certificate submitted was on the name of Sh. Jai Bhagwan instead of registered name with F&S Department as Sh. Bhanu Ram. In this regard appellant was issued with show cause to clarify the issue of different name but the appellant failed to produce any authentic documentary evidence to resolve the issue and ascertain the relationship between the proposed partner Sh. Rajesh Bansal and deceased partner Sh. Bhanu Ram. Lastly, the cancellation order was issued on 29.03.2017 after giving enough opportunities to the appellant. The appeal filed against is late and as such not maintainable.

Conclusion:-

The appeal case was taken up and hearing was fixed for 05.10.2023. The respondent submitted para-wise comments on the appeal no.21/2022 dated 31.10.2023. The copy of the para-wise comments was provided to the appellant during proceeding on 05.10.2023.

After examining written/verbal statements by both the parties and on perusal of the other relevant records it is noticed that the accompanied Licensee Sh. Raj Kumar Gupta failed to inform/intimate Department regarding the death of his partner Sh. Bhanu Ram within the prescribed time frame resulting in the cancellation of his FPS authorization by the Licensing Authority vide order dated 29.03.2017

However, during the appeal proceedings, the appellant himself submitted a request letter dated 05.10.2023, wherein the appellant has requested to withdraw his instant appeal No.21/2022 in respect of FPS no.5978 (Cancelled), M/s. Champa Provision Store filed by the appellant.



The appellant was briefed about the implication regarding withdrawal of his appeal; however the appellant reiterated his submission of withdrawn of appeal.

After hearing contentions of both the parties, without going into the merit of the case and as per request of the appellant as well as respondent, the request of appellant is allowed and the case is dismissed as withdrawn.

The appeal is disposed off in aforesaid terms.

Parties be informed accordingly.



SPECIAL COMMISSIONER (F&S)/APPELLATE AUTHORITY

F.No.SPL.COMM/AA/FPS Appeal/F&S/2024/524-527

Dated: 28/6/24

Copy to:-

1. The Asstt. Commissioner (Central), F&S Department, GNCT of Delhi.
2. Mr. Raj Kumar Gupta, Partner of M/s Champa Provision Store (FPS No. 5978) Circle-24, Shop no.25, CSC, DDA Market, Ranjeet Nagar, Patel Nagar Delhi 110008, through Assistant Commissioner (Central).
3. Mr. Raj Kumar Gupta, Prop. of M/s Champa Provision Store. (FPS No. 5978) Circle-24, R/o. 3645, Gali No.14, Ragerpur, Karol Bagh, Delhi 110005.
4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



SPECIAL COMMISSIONER (F&S)/APPELLATE AUTHORITY