

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/2024/510-514

Dated: 28/6/24

Appeal No.22/2023

IN THE MATTER OF:-

M/s DarshanLal

Fair Price Shop No.3728, C-64 (Rohtas Nagar)

1171/4, Gali No. 4, East Rohtas Nagar

Shahdara, Delhi-110032

Shri Sushil Kumar, (Prop.).

Appellant

Versus

The Assistant Commissioner (North-East)

Deptt.of Food Supplies and Consumers Affairs,

GNCT of Delhi.

Respondent

ORDER

The instant Appeal has been filed by Sh. Sushil Kumar, Prop. of M/s Darshan Lal (FPS No 3728) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Order of Assistant Commissioner (North-East)/LA issued vide Letter No F.AC(NE)/F&S/2014/152 dated 17.05.2014, accepting his voluntarily submitted resignation.

Brief facts of the case:-

The proprietor of the FPS has submitted resignation at his own free will on 18.03.2014 stating his inability to run the allotted FPS quoting financial constraints. The resignation was accepted by the licensing authority on 17.5.2014. Now the Appellant after a long gap of approximately 9 years wants back his surrendered FPS by getting the termination order revoked by this appeal.

325/SSA/74
02/07/2024



The appellant submitted and argued as under:-

That the appellant tendered his resignation by submitting an application dated 18.03.2014 due to poor financial position, which was accepted by the Competent Authority and the license was accordingly terminated .

Now the financial position of the Appellant has become sound and he wants to run his Fair Price Shop. The Appellant in his favor has quoted numerous instances in which higher authorities and appellate authorities of the department allowed to withdraw resignation of the FPS holders and revoked orders regarding acceptance of resignations tendered by the FPS holders. Moreover, no vacancy has been notified in the above area by the Department.

That the above FPS was only source of income for the appellant and his family and no case responding discrepancies of any nature is pending against the appellant and till date and as such no consumer has filed any complaint against the appellant regarding any irregularity.

The appellant vide this appeal has requested to set aside the order dated 17.05.2014 of respondent accepting his resignation and direct the respondent to accept deposit the forfeited security amount as per control order.

Respondent submission:-

That Sh. Sushil Kumar, Prop. FPS no.3728, M/s. Darshan Lal submitted resignation on his own free will on 17.05.2014 which was accepted by licensing authority. After cancellation of FPS the cards were linked to the other nearby FPSs and as on date there is no existence of FPS no.3728 after acceptance of resignation by competent authority. The card position is smooth and there is no requirement of any new FPS in the area. The application otherwise also is time barred as per departmental norms.

Conclusion:-

After hearing the contentions of both the parties, examining their written/ verbal submissions, arguments during hearing and all the other relevant records placed before me it is noted that the FPS holder on his own free will filed resignation before the Assistant Commissioner (North-East)/ licensing authority. Further, appellant filed the Appeal on 19.07.2023 i.e. after a gap of 09 years approximately, which has already been time barred as per provisions contained in departmental Control Order, 1981.

The cards attached to his shop were well accommodated with FPSs in the same area and there is no requirement of any new FPS in this area. Moreover, with e-Pos and One Nation One Card implementation in Delhi, the beneficiaries can get the entitled ration from



any FPS. During the gap of nine years the PDS system has undergone numerous technological up gradation to enhance the public delivery system in the form of e-Pos based transactions requiring the FPS holder to be IT friendly.

The citation of orders in the similar matters would not be appropriate at this juncture to question the wisdom and decision of the then Appellate Authority for awarding relief. It is always circumstantial and depends upon the merits and reasons of different cases. All cases cannot be viewed at same glance. Moreover, in this case the FPS holder on his own will tendered the resignation and the same was accepted with free consent of FPS holder.

Therefore, considering the above facts, I do not find any merit in the appeal hence, the Order dated 17.05.2014 of Assistant Commissioner (North-East) is upheld and the appeal is accordingly dismissed. Further, the Appellant is at liberty to file appeal to the next higher authority i.e. Financial Commissioner, Govt. of NCT of Delhi against the above mentioned orders if he desires so.

The appeal is disposed of in the aforesaid terms.

Parties be informed accordingly.



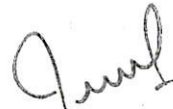
SPECIAL COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.SPL.COMM./ AA/FPS Appeal/F&S/2024/510-514

Dated: 28/6/24

Copy to:-

1. The Assistant Commissioner (North-East), F&S Deptt. GNCT of Delhi
2. Sh. Sushil Kumar, Prop. M/s.Darshan Lal (FPS No.-3728), Circle-64, Rohtas Nagar through Assistant Commissioner (North-East).
3. Sh. Sushil Kumar, Prop, 1171/4, Gali No. 4, East Rohtas Nagar, Shahdara, Delhi-110032
4. Mr. Shailendra, R/o 3243, School Street, Pahar Ganj, New Delhi-110055.
5. ☒ SSA (IT), F&S Deptt., K-Block, VikasBhawan, Delhi with the direction to upload the order on Departmental website.



SPECIAL COMMISSIONER (F&S)/APPELLATE AUTHORITY