

**OFFICE OF THE COMMISSIONER/APPELLATE AUTHORITY
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS
GOVT.OF NCT OF DELHI,
ROOM No.108, 1st FLOOR,K-BLOCK,VIKAS BHAWAN,I.P.ESTATE,
NEW DELHI-110002.**

No.SPL.COMM./AA/FPS Appeal/F&S/2023 | 42-45

Dated: 31.05.23

Appeal No. 01/2023

In the matter of:

M/s Diwakar Store,

FPS No. 7431, Circle-05 (Badli) Delhi.

Shri Pardeep (S/o. Late Sh. Harish Chandra Diwakar, Prop.)

.....Appellant

Versus

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

.....Respondent

Date of Hearing:- 05.04.2023

ORDER

The Order shall dispose of the Appeal No. 01/2023 dated 06.01.2023 filed by Shri Pardeep, Prop. M/s. Diwakar Store, FPS No. 7431, Circle -05 (Badli) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the cancellation Order dated 15.12.2022 passed by Assistant Commissioner (North-West) passed by the Commissioner /Appellate Authority respectively.

Shri Pardeep, (S/o. Late Sh. Harish Chandra Diwakar, Prop.), appellant along with AR/ Counsel Shri Shailendra, were present.

288/SSA/17
6/6/23

31/5/23

pl. upload.

Tarun

Kujaw
06/6/23

Shri Ramesh Chand, FSO (C-05) Badli on behalf of Assistant Commissioner (North -West), Respondent was present.

The Case was called and heard at length.

The AR/Counsel of Appellant submitted that the present appeal has been filed to cancel the impugned cancellation order dated 15.12.2022 of FPS No. 7431 and issue directions before change of constitution as per departmental policy/norms.


The appellant submitted that authorization of FPS no. 7431 in the name of Late Sh. Harish Chandra Diwakar was valid till 11.04.2024. The licensee Sh. Harish Chandra Diwakar died on 04.08.2022 due to illness at the age of 47 and he is survived with wife Ms. Raman Diwakar, Daughter's Ms. Pavitra, 26 yrs., Anjali, 21 yrs. and Son Mr. Pardeep, 24 yrs. and all children are unmarried. The appellant was not well versed with the rule and regulations of Food & Supply Department and he failed to inform about the death of his father Sh. Harish Chandra Diwakar to the F&S department. The appellant submitted application for change of constitution however, the same was not considered by the licensing authority and FPS authorization was suspended and after one month, the authorization was cancelled.

The appellant further submitted that his father was seriously ill from long time and his appeal may be considered on humanitarian grounds as no other member in the family is caring hand.

Submission made by respondent:-

The intimation regarding death of licensee was received in the office of Food & Supply Officer on 04.11.2022 i.e. after 92 days of death of licensee. Whereas it should be intimated/informed within 30 days of death of proprietor/partner as per the rules and guidelines and it is also pertinent to mention here that the request for change in constitution of the FPS 7431 M/s Diwakar Store, Circle-05 Badli, was received on 04.01.2023 in the O/o Asstt. Commissioner (NW) through speed post. Hence, the request for change in constitution was time barred and it was considered but not acceded to.

After hearing contentions of both the parties, examining the written submission/verbal submission and perusing other available records place before me, it is found that the FPS licensee Sh Divakar expired on 04.08.2022 post long illness. The FPS proprietor is survived with wife Ms. Raman Diwakar, Daughter's Ms. Pavitra, 26 yrs., Anjali, 21 yrs. and Son Mr. Pardeep, 24 yrs. and all children are unmarried. The FPS is the only earning source of income and no one in the family is earning livelihood. The appellant failed to furnish the information regarding death of his father i.e FPS Proprietor of FPS no.7431 and change of constitution request within stipulated time of 30 days due to lack of knowledge about the rules and regulation of the department of F & S. Also the petitioner informed that the family is going through intense pain and grief due to the death of only bread earner for the family.


31/5/22

In view of the above, considering the facts, circumstances and reasons given by the petitioner and in the interest of principle of natural justice, fair adjudication and to save the family from financial burden and enabling livelihood to the grieved family, the case is remanded back to Licensing Authority i.e Asst. Commissioner (North-West) on humanitarian grounds. The appellant is directed to submit the application for change of constitution afresh along with complete requisite documents to licensing authority.

The appeal is disposed of in the aforesaid terms.

Parties be informed accordingly.



(RAHUL SINGH)

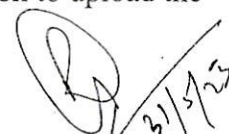
SPL. COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.SPL.COMM./AA/FPS Appeal/F&S/2023 \ 42 - 45

Dated: 31.05.23

Copy to:-

- The Assistant Commissioner (North-West), F&S Deptt. GNCT of Delhi
Sh. Pardeep , Prop. of M/s. Divakar Store, FPS No.7431, C-05, Badli through Assistant Commissioner (North-West).
- Sh. Pardeep, Appellant. M/s. Divakar Store, FPS No.7431, J-25, Jahangir Puri Delhi 110033.
- SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



(RAHUL SINGH)

SPL. COMMISSIONER (F&S)/APPELLATE AUTHORITY

o/c