

**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

No.PA/COMM./AA/FPS Appeal/F&S/2020/187-190

Dated: 08-07-2021

Previous Appeal No. 24/2019  
Review Appeal No. 15/2020

**In the matter of :**

M/s. Ashok Kumar  
FPS No.7572, Circle-40 (New Delhi)

Sh. Mukesh Aggarwal

.....Appellant

Versus

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

.....Respondent

**ORDER**

Whereas, Sh. Mukesh Aggarwal, the licensee/proprietor of M/s. Ashok Kumar, FPS No. 7572, Circle-40 filed review appeal dated 14.09.2020 under Delhi Specified Articles (Regulation of Distribution) Order, 1981, against the Cancellation Order dated 15.03.2019 passed by the Respondent and to review the order dated 28.01.2020 of the then Appellate Authority/Commissioner.

Whereas, the Proprietor of FPS, Mr. Mukesh Aggarwal has filed the appeal dated 27.03.2019 under Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order dated 15.03.2019 passed by the Respondent. The case was heard and the Appellate Authority upheld the order dated 15.03.2019 passed by the Assistant Commissioner (New Delhi) vide order dated 28.01.2020.

Shri Mukesh Aggarwal, Petitioner alongwith and Shri Rajesh Shakkarwal, Assistant Commissioner (New Delhi) were present.

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

The following irregularities/discrepancies reported during surprise visit of Enforcement Crack Team comprising FSO, C-01 & 07 and FSI, C-64 in the presence of Special Commissioner conducted on 30.01.2019:-

1. FPS was found closed.
2. Mandatory vigilance board was not displayed.
3. The license of FPS had expired on 08/10/2018 and not renewed after that.

Contd...2/...

To upload.

manish  
mahi-

78  
12/7/21

12/07/2021  
11.09/SSA/JT

4. Net variation of 15.53 Qtls of SFAs (Wheat- 9.83 Qtl. short, Rice- 5.68 Qtl excess and Sugar- 0.02 Qtl. excess) found.

In review appeal dated 14.09.2020 the appellant submitted as under:-

1. That the FPS was closed because the FPS owner was stuck in traffic jam due to accident on the way when he was coming back after lunch break and was therefore late.
2. That due to constitution of new Vigilance Committee, the board was given for updating the name to the painter.
3. At the time of inspection the application for renewal was under submission and approval was awaited. Later on the same has been approved and the License has been renewed for the period 09.10.2018 to 08.10.2021.
4. That the quantity of variation calculated by the Enforcement Team wrongly due to unloading of SFAs in a haphazard manner by labour of DSCSC, counting at the time of inspection was not done properly as bags of rice were counted in excess and bags of wheat were counted less. Moreover, when the sale was opened by Circle Inspector on the next day, the stock was tallied and no variation of SFAs was found. The complete stock of SFAs as per release order has been rightly received in the FPS.

The Respondent contended that irregularities/discrepancies found during the inspection by Enforcement Team were serious in nature and therefore as per rules in place, Cancellation order was issued after following due process and giving ample opportunity to the Appellant to represent/explain himself. As per SVS prepared during the inspection, net variation to the tune of 15.53 Quintals of SFAs (Wheat-9.83 Qtl short, Rice-5.68 Qtl Excess & Sugar-0.02 Qtl short) was reported. Further, it was recorded that license of the shop had expired on 08.10.2018.

After hearing contentions of parties, examining their written /verbal submissions and perusing other relevant records placed before me, it is noted that:-

1. Approval for renewal of license had already been granted on 24.11.2018 by the Assistant Commissioner (New Delhi), as seen from the case file. It is not clear as to why it was not communicated to the Appellant. Hence, I am of the view that there was no delay on the part of the Licensee.
2. Variation in the quantities of SFAs to the tune of 15.53 Qtls. which included Wheat-9.83 Qtl. short, Rice-5.68 Qtl. excess & Sugar-0.02 Qtl. short, as reported by the Enforcement team was strong indicative of mismanagement of SFA's on the part of petitioner.
3. The petitioner is strongly relying on the contention that while opening of the sale of SFAs on the following day, the FSO (C-40) do not reported any adverse remark in the inspection book and found each and every bag of SFAs intact, sealed and with PDS marking, this cannot be accepted given the time gap between the conduct of inspection and opening of sale and also given the fact that the FPS was not sealed by Crack Team after conduct of the inspection.



4. The variation of large quantity of SFA's is ample proof of mismanagement of FPS by the FPS holder and grave violation of Delhi Specified Articles (Regulation and Distribution) Order, 1981.
5. No new credible documents in support of his contention are adduced as evidence to file present review appeal which allows to reconsider the decision of the previous Appellate Authority.

In view of above, I am of the considered view that the Cancellation Order dated 15.03.2019 passed by the Assistant Commissioner (New Delhi) and Order dated 28.01.2020 of the then Appellate Authority is hereby upheld and the review appeal filed by the petitioner has no merit hence dismissed.

The appeal is disposed of.

Parties be informed accordingly.

  
(PADMINI SINGLA) 8/7/2021

COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/Comm./AA/FPS Appeal/F&S/2020/187-190

Dated: 08-7-2021

Copy to :-

1. The Assistant Commissioner (New Delhi), F&S Deptt., GNCT of Delhi.
2. Shri Mukesh Aggarwal, Proprietor, M/s. Ashok Kumar, FPS No.7572, Circle-40, New Delhi through Assistant Commissioner (New Delhi).
3. Shri Mukesh Aggarwal, Proprietor, M/s. Ashok Kumar, FPS No.7572, Circle-40, (New Delhi), R/o 118/8, Gautam Nagar, New Delhi - 110049.
- ✓ 4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.

  
(PADMINI SINGLA) 8/7/2021

COMMISSIONER (F&S)/APPELLATE AUTHORITY