

BEFORE THE APPELLATE AUTHORITY/SPECIAL COMMISSIONER (Admn)  
DEPARTMENT OF FOOD SUPPLIES & CONSUMER AFFAIRS  
GOVERNMENT OF NCT OF DELHI  
K Block, Room No. 108, 1st Floor, Vikas Bhawan I.P. Estate New Delhi-11002.

No.SPL.COMM./AA/FPS Appeal/F&S/2023

Dated: 29/3/2023

Appeal No. 10/2022

M/s. Keshav Store  
FPS No. 9120, C-32 (Uttam Nagar)

Shri Kapil Kumar, (Prop.)

.....Appellant

Versus

The Assistant Commissioner (South West)  
Deptt. of Food Supplies & Consumer Affairs, Delhi.

..... Respondent

Date of Hearing:- 14.10.2022

ORDER

The instant Appeal has been filed by Sh. Kapil Kumar Prop. Ms. Keshav Store, FPS No. 9120, Circle -32 (Uttam Nagar) under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Acceptance of Resignation Order No. F.AC(SW)/F&S/C-32/9120/806 dated 27.10.2021 passed by Assistant Commissioner (South West).

Shri Kapil Kumar, Proprietor/appellant was present.

The Assistant Commissioner (South West) was on leave. Shri Kanwar Lal, FSO (C-32) on behalf of Assistant Commissioner (South West)/ Respondent was present.

The Case was called and heard at length.

The Appellant submitted that the present appeal was filed to withdraw resignation tendered by him on 08.10.2021. He stated that vide letter dated 16.09.2021 a request of temporary transfer of allocation quota to some other FPS was made to FSO concerned. The shop was being run on rental premises and the landlord had sold the shop directing him to vacate the premises before 30.09.2021. He submitted that the request dated 16.09.2021 was made with the instinct that after finding the other suitable premises in the same notified area the allocation quota of the FPS could be retrieved. In the meantime a notice dated 07.10.2021 was received from FSO (C-32) vide which he directed to get a suitable venue within the same notified area within 3 days or otherwise submit resignation in case of failure. In compliance of notice dated 07.10.2021 the authorization/license of FPS No. 9120 M/s Keshav Store (Valid

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upto 10.09.2023) was surrendered vide application dated 08.10.2021 because any other suitable premises in the same notified area was not found at that time so on the direction of Assistant Commissioner/SO the resignation was made in compulsion. He added that now a plot no I-37, Mohan Garden, Uttam Nagar, New Delhi of 100 Sq. Yards was purchased by him in the same notified area so the permission to withdraw resignation may be given. He pleaded that the FPS was the only source of income for him and requested for relief.

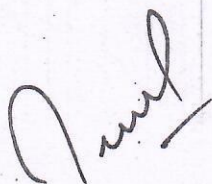
The FSO (C-32) appeared on behalf of Assistant Commissioner (South-West)/Respondent opposed the request of Appellant and reiterated the contents of order dated 27.10.2021. He accepted the chain of incidents as mentioned by the appellant except contention of appellant that the rent agreement of the FPS premises was valid upto 30.09.2021. He submitted that as per rent agreement the same was valid upto 31.07.2023. He contended that since there was no provision of temporarily transferring of allocation quota of one FPS to the other FPS (except in case of suspension / cancellation) so vide notice dated 07.10.2021 the appellant was directed to ensure availability of premises within a period of 3 days or express inability in the form of resignation.

He added that since distribution of SFAs to eligible beneficiaries was a continuous process and could not be kept in abeyance for any indefinite time period so the time period of 3 days was given to Licensee was justified. The FSO submitted that at the time of tendering resignation the FPS holder did not submit any proof that the ownership was transferred.

It was also contended by FSO (C-32) that the resignation was tendered by the FPS holder on his own will and was accepted with the free consent of FPS holder, on his consent the licensing authority had no option left but to accept the resignation tendered by him. Hence, the appeal filed by the FPS holder is not maintainable.

After hearing contentions of both the parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the FPS holder filed an application for acceptance of resignation on 27.10.2021 which was accepted on his own free will by the Assistant Commissioner (South West) after offering opportunity of hearing vide notice dated 07.10.2021. As stated by FSO and evident from record the rent agreement was valid upto 31.07.2023. In the appeal, the appellant submitted that according to rent agreement he had to vacate the shop upto 30.09.2021. As submitted by FSO, there was no provision of temporarily transferring of allocation quota of one FPS to the other FPS (except in case of suspension / cancellation) so vide notice dated 07.10.2021 the appellant was directed to ensure availability of premises within a period of 3 days or express inability in the form of resignation. Since distribution of SFAs to eligible beneficiaries was a continuous process and could not be kept in abeyance for any indefinite time period so the time period of 3 days was given to Licensee was justified. Further, non submission of any documentary evidence by the appellant at the time of tendering resignation regarding transfer of ownership was a grave lapse on the part of FPS holder.

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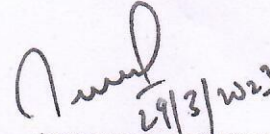




The FPS holder on his free will relinquished the licence/authorisation of Fair Price Shop No.9120, Ms. Keshav Store. It is needless to say that inadequate attention to the functioning of an FPS due to repeated linking and delinking of ration cards to different Fair Price Shops on account of resignation/cancellation of Fair Price Shop results in great inconvenience to the eligible beneficiaries. Therefore, considering the facts, it is not possible to allow the restoration of the authorization relinquished by the licensee on his own free will. Hence, the Order of Assistant Commissioner (South West) dated 27.10.2021 is upheld and the appeal is accordingly dismissed.

The appeal is disposed off in the aforesaid terms.

Parties be informed accordingly.

  
(SUSHIL SINGH)

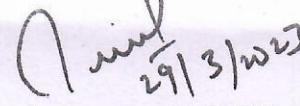
**SPECIAL COMMISSIONER(F&S)/APPELLATE AUTHORITY**

No.SPL.COMM./AA/FPS Appeal/F&S/2023 / **384-388**

Dated: **05/04/2023**

Copy to :-

1. The Assistant Commissioner (South West), F&S Dept. GNCT of Delhi
2. Sh. Kapil Kumar, Prop. of M/s. Keshav Store (FPS No. - 9120), C-32 through Assistant Commissioner (South West).
3. Sh. Kapil Kumar, Prop. of M/s. Keshav Store (FPS No. - 9120), C-32, R/o F-49, Mohan Garden, Uttam Nagar, New Delhi - 110059.
- ✓ 4. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.
5. P.S. to Commissioner (F&S) for information.

  
(SUSHIL SINGH)

**SPECIAL COMMISSIONER(F&S)/APPELLATE AUTHORITY**