

OFFICE OF THE SPECIAL COMMISSIONER / APPELLATE AUTHORITY  
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS  
GOVT. OF NCT OF DELHI  
K-BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI-110002

No. Spl.Comm./AA/FPS Appeal/F&S/2023/ 759-763

Dated: 11/9/2023

Appeal No. 18/2022

In the matter of:

M/s Tejpal Tikaram,  
FPS No. 1183, Circle-21,  
349, Bazaar Delhi Gate, Darya Ganj,  
New Delhi-110002

Mr. Ashok Kumar Gupta, Prop.  
R/o A-65, Upper Ground Floor, Part-1,  
Kishan Kunj Extn. Laxmi Nagar,  
Delhi-110092

.....  
Versus

Appellant

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

.....  
Respondent

Date of Hearing:- 03.08.2023

ORDER

Sh. Ashok Kumar Gupta, the licensee/proprietor of M/s Tejpal Tikaram, FPS No. 1183, Circle-21 filed an appeal dated 30.05.2022 under clause 6(6) Delhi Specified Articles (Regulation of Distribution) Order, 1981, against the Cancellation Order No F.AC(C)/F&S/FPS-1183/2022/566-574 dated 04.04.2022 passed by the Respondent i.e. Assistant Commissioner (Central)/Licensing Authority.

Shri Ashok Kumar Gupta, Appellant/Proprietor alongwith Shri Shailendra, AR were present.

Shri Ashok Kumar, Assistant Commissioner/Respondent was present.

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

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**Brief facts of the case are as under:-**

The Enforcement Team of F&S Department visited the business premises of FPS no 1183, M/s Tejpal Tikaram on 11.03.2022 to carry out the inspection of FPS but found a huge quantity of SFA lying in the business premises which was in a haphazard manner and could not be counted/inspected hence the team sealed the FPS business premises. The FPS premises was de-sealed on 24.03.2022 and after inspection the team found the variation of 194550 kgs in stock, 775 kgs of Atta lying in the premises along with other anomalies. Accordingly, after considering all the facts & records the Licensing Authority i.e. AC (Central) cancelled the authorization of FPS vide the order challenged herein. The present appeal is being filed against the cancellation order dated 04.04.2022 passed by the Respondent.

**The appellant submitted and argued as under:-**

The salesman of the FPS named Md Imran was completely running & managing the FPS as the licensee is not medical fit. The salesman was continuously distributing the SFAs manually from last Six months (i.e. from September 2021 to February 2022) for both Regular & PMGKAY scheme without biometric authentication of the beneficiaries on ePOS machine due to which such a huge variation was occurred. The FPS holder claimed that he was maintaining the stock manually in sale registers. It was also stated that the salesman distribute the SFAs to the cardholders well in advance before the order of sale for a particular month by the Department in good faith on assurance that beneficiaries will turn up for biometric authentication on start of sale but they don't turn up.

The Appellant stated that the Atta was lying in FPS was not the PDS item and same was for general public as highly demanded during Ramzan Month.

It was also stated that around 1700 Ration cards are attached with his FPS and most of them are from Muslim Community and none of them ever raised any complaint/query regarding non receipt of ration by them.

FPS holder also informed that the salesman without informing him distribute the SFAs continuously for 6 months just by writing units & card numbers on bare papers which they duly organize after the Eid festival in presentable manner.

It was claimed that he was senior citizen without any source of income, family support and not medically fit hence handed over all the responsibility to the salesman in good faith.

Furthermore, the AR also verbally argued that the Distribution Branch continuously supply the allocation to the FPS holder for all 1700 cardholders without considering the closing balance of the FPS as he could not distribute the whole SFAs allotted every month and claim that all the fault happened due to supply of such huge quantity of SFAs to the FPS.





⑥ **The Assistant Commissioner (Central), Respondent submitted and argued as under:-**

As per Departmental Guidelines the distribution of SFAs from July, 2021 was compulsorily to be done through ePOS machine only after getting the authentication of beneficiary. However, the FPS holder disobeyed the departmental directions and now claiming to distribute the SFAs manually that too by his salesman, which is nothing but the afterthought just by passing the blame to cover his slipup and save himself as no such direction ever was issued to distribute the SFAs manually to the cardholders. It has also been accepted to complete the record after Eid in a presentable manner which is clear act of afterthought and gross violation of rules.

The Atta is a restricted item for sale through the FPS and FPS holder himself accepting that he was disobeying the departmental guidelines by selling the Atta through the FPS.

AC(Central) also stated that the FPS holder and his AR are just trying to mislead the court by passing the blame to others in one or another way as Distribution Branch allocate the SFAs to any particular FPS as per the ration cards attached with it and time to time also consider the closing balance to FPSs also. The appellant has no relevant ground/justification hence Respondent requested to dismiss the appeal.

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

The FPS holder was not acting as per departmental guidelines as it is clearly expected from the FPS holder that he must be aware of the departmental orders & directions issued from time to time. The version of appellant regarding distribution of SFAs manually is not at all acceptable moreover the FPS holder candidly accepted that he will maintain the record after completion of sale.

The version of appellant regarding storage of Atta for Muslim community in Ramzan month and his family conditions are just to cover his fault on sentimental grounds only which is not tenable at all. He never got any kind of permission or intimated for same anytime in the department.

The appellant is submitting the contradictory statements as on one hand claiming to distribute the SFAs manually and on other hand blaming the Distribution Branch for allocating the full allocation to him hence same explains his act of passing blames to others in one or another way.



Therefore, considering the above facts, I do not find any merit in the appeal hence, the Order dated 04.04.2022 of Assistant Commissioner (Central)/Licensing Authority is upheld and the appeal is accordingly dismissed devoid of merit. 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.



(SUSHIL SINGH)

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

No.Spl.Comm./AA/FPS Appeal/F&S/2023/ 759-763

Dated: 01/9/2023

Copy to:-

1. The Asstt. Commissioner (Central), F&S Department, GNCT of Delhi.
2. Mr. Ashok Kumar Gupta, Prop. of M/s Tejapal Tikaram (FPS No. 1183) Circle-21, through Assistant Commissioner (Central).
3. Mr. Ashok Kumar Gupta, Prop. of M/s Tejapal Tikaram (FPS No. 1183), R/o A-65, Upper Ground Floor, Part-1, Kishan Kunj Extn. Laxmi Nagar, Delhi-110092.
4. Mr. Shailendra, R/o 3243, School Street, PaharGanj, New Delhi-110055.
5. SSA (IT), F&S Deptt., K-Block, Vikas Bhawan, Delhi with the direction to upload the order on Departmental website.



(SUSHIL SINGH)

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