

GOVT. OF NCT OF DELHI  
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS  
OFFICE OF THE SPECIAL COMMISSIONER/APPELLATE AUTHORITY  
ROOM No.110, 1<sup>st</sup> FLOOR, K-BLOCK, VIKAS BHAWAN, I.P. ESTATE  
NEW DELHI-110002

F. No.SPL.COMM./AA/FPS Appeal/F&S/2024/500-504

Dated: 28/6/24

Appeal No.24/2023

**IN THE MATTER OF:-**

M/s Vats Store,  
Fair Price Shop No.8937, C-07 (Bawana)  
Village DaryapurKalan,  
Bawana, Delhi-110039  
Shri Krishan Kumar, (Prop.)

..... Appellant

**Versus**

The Assistant Commissioner (North-West) .....  
Deptt. of Food Supplies and Consumers Affairs,  
GNCT of Delhi.

**Respondent**

**ORDER**

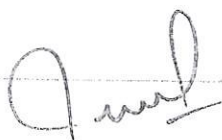
The instant Appeal has been filed by Sh. Krishan Kumar, Prop. FPS No.8937, Circle-07, R/o Village Daryapur Kalan, Bawana, Delhi 110039 under Clause 6 (6) of Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Cancellation Order No F.6/AC(NW)/FPS-8937/2014/1861-65 dated 18.07.2014 issued by Assistant Commissioner (North-West)/Licencing Authority.

**Brief facts of the case:-**

The FPS No.8937 M/s Vats Store, was restored vide order dated 19.01.2013 in compliance of the directions of Hon'ble High Court's order dated 25.09.2012. However the appellant did not register any willingness to the department for operating the FPS and as such there is nothing on record to suggest that appellant was ever keen to start the FPS.

The appellant was provided numerous opportunities to start FPS by the licensing authority as per the direction of High Court, Delhi; in response to which the FPS holder submitted that he is unable to start the FPS due to financial crisis. Consequently the order dated 18.7.2014 was passed by the AC (N/W)/LA, cancelling the FPS which now has been challenged through this appeal.

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

The FPS No. 8937, M/s Vats Store was authorized by the Department of Food Supplies and Consumer Affairs in the year 1999 which was then restored vide order dated 19.01.2013 in compliance of Hon'ble Delhi High Court order dated 25.09.2012. However, at that time the appellant was not in the position to start and run the FPS due to poor financial position and it was conveyed to the Licensing Authority. Thereafter, the respondent has passed an impugned cancellation order dated 18.07.2014. Now the financial position of the appellant is sufficient to run the FPS and has requested to revoke the impugned order dated 18.07.2014 passed by the Licensing Authority.

**Respondent submission:-**

That the appellant has been provided sufficient opportunities through a show cause notice followed by 02 call memos for restoration of License of the FPS which was placed under suspension vide order dated 26.04.2014 and a final opportunity also was further given on 27.06.2014 which too was declined by the appellant. Considering thoroughly the submission of appellant only the license of FPS No. 8937, M/s Vats Store was cancelled on 18.07.2014 following due process of law.

After the cancellation of FPS a new vacancy for FPS was advertised and license for the new FPS no.9397 in the same notified area was issued. At present there is no possibility/requirement of new FPS in this area as there are only 596 cards being catered by existing FPS No. 9397 in this area. The appeal is time barred and in fructuous in nature, hence may be dismissed.

**Conclusion:-**

After hearing the contentions of both the parties, examining their written/ verbal submissions, arguments during hearing and on perusal of all the other relevant records placed before me it is noted that the FPS holder on his own free will submitted that he is unable to run this FPS due to financial crises before the then Assistant Commissioner (North-West)/ licensing authority. As per the available records ample opportunities were provided to the appellant as per the directions/orders of Hon'ble High Court. Post cancellation a new FPS has been allocated in the notified area and presently there is no need/vacancy for new FPS in the notified area as per the submission of licensing authority.

Further, appellant filed the Appeal on 30.10.2023 i.e. after a gap of 09 years approx, which was already time barred as per provisions contained in departmental Control Order, 1981.



Therefore, considering the above facts, I do not find any merit in the appeal hence, the Order dated 18.07.2014 of Assistant Commissioner (North-West)/LA 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**

F. No.SPL.COMM./AA/FPS Appeal/F&S/2024/500-504 Dated: 28/6/24

**Copy to:-**

1. The Assistant Commissioner (North-West), F&S Deptt. GNCT of Delhi
2. Sh. Krishan Kumar, Prop. M/s. Vats Store (FPS No.-8937), Circle-07, Bawana through Assistant Commissioner (North-West).
3. Sh. Krishan Kumar, Prop. M/s. Vats Store, C-34, Mukhtiar Sing Marg, Bawana, Delhi-110039
- ✓ 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**