

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7353/2007**

NIKKI KOD ITS PROPRIETOR AJAY

KUMAR VERMA

..... Petitioner

Through Mr. R. Sudhinder and Mr. Anurag
 Chaudhary, Advocates.

versus

COMMISSIONER FOODS & SUPPLIES & ANR ... Respondents

Through Mr. Rohit Madan, Advocate for the
 respondent No.1.

Mr. Kamal Mehta, Advocate for the
respondent No.2.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

% **22.10.2009**

1. In 1994, applications were invited by the respondent authorities for appointment of a kerosene oil dealer at village Kondli, Delhi.
2. The impugned order dated 28th September, 2007, mentions the factual history of the prolonged litigation for appointment of a Kerosene oil dealer. However, the operative portion of the order is cryptic and devoid of reasoning. The operative portion of the order dated 28th September, 2007, reads as under:-

“In the light of above narration and in order to allow a suitable candidate to run the said KOD licence on merit, I have taken into consideration the circumstances and rules prevailing in 1994 viz-a-viz the present card

position and circumstances. I have carefully gone through the old allotment record of 1994 for grant of KOD licence against the vacancy notified on 02.05.1994 in the notified area of Kondli Village under Circle-38 (old Circle-46). I have also perused the records of the interviews of the five applicants taken by the Selection Committee on 13.02.2007. After going through all the relevant records and as observed by the Selection Committee, I am of the view that the applicant, who had been initially granted the licence, i.e. M.s Rahul KOD, is the suitable candidate for running the said KOD. In this eventuality, I order that licence of M/s Nikki KOD be cancelled with immediate effect.

3. The Commissioner was required to examine the comparative merits of the applicants. There is no such examination. The order does not state as to why M/s Rahul KOD was found to be the most suitable candidate. It may be noted that certain guidelines have been issued; fixing criteria of selection and the selection has to be in terms of the said guidelines. There is no examination and consideration.

4. In these circumstances, the impugned order dated 28th September, 2007, is set aside and the matter is remanded back to the Commissioner to decide the same in terms of the above order and decision dated 26th August, 2007, passed in the two writ petitions W.P.(C) Nos.1608/2007 and 1632/2007, titled ***VIG & Kaushik KOD Vs. Dy. Commissioner (Revenue) & Others*** and ***Ram KOD Vs. Commissioner Food & Supplies & Others***.

5. The operation of the order dated 28th September, 2007, was stayed by this Court by the interim order dated 5th October, 2007. Till the decision by the Commissioner, status quo as it existed prior to 28th September, 2007 will continue. There will be no order as to cost. The question whether two or more licenses can be granted is left open to be decided by the Commissioner.

The writ petition stands disposed of.

SANJIV KHANNA, J.

OCTOBER 22, 2009

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