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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12982/2009

% **Date of decision : 9th November, 2009**

RAM SEWAK GUPTA Petitioner
Through Mr. G.P Singh and Mr. V.K. Singh,
Advs.

versus

GOVT. OF NCT OF DELHI AND ANR Respondent
Through Mr. Shoaib Haider, Adv. for Mr. N.
Waziri, Standing Counsel.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

ORDER

1. The petitioner was operating a fair price shop from premises No.56/7, Bhalelpur, Sarai Kale Khan, New Delhi.
2. In October, 2006, the shop of the petitioner was demolished by the Delhi Development Authority. The petitioner thereafter filed an application with the respondents for transfer/shifting of business premises to C-33, opposite Rajdoot Hotel, Jangpura-B, Nizamuddin East, New Delhi. This application was rejected vide order dated 23rd July, 2007, noticing that another fair price shop was functioning from the same premises and two fair

price shops cannot be allowed to function from the same premises. It was also noticed that the petitioner had not deposited draft for issue of supply of food grains since September, 2006. The petitioner did not file any appeal to challenge and question the order dated 23rd July, 2007.

3. By application dated 23rd May, 2009, the petitioner made a request that he may be permitted to operate from premises No.40-A, DDA Flats, Mata Sundri Road, New Delhi. The said request was rejected vide letter dated 9th July, 2009. Thereafter, the petitioner had filed an appeal before the Assistant Commissioner. As the said appeal was not being heard; he preferred a writ petition before this Court being W.P.(C)9753/2003 which was disposed of on 2nd July, 2009. It was noticed that the petitioner had been called for personal hearing and as per the case of the petitioner, no order was passed. The respondents were directed to dispose of the appeal filed by the petitioner expeditiously in order of seniority and in case no seniority list was maintained, within three months from the date of the order.

4. By the impugned order dated 30th September, 2009, the application/appeal filed by the petitioner for shifting and re-start of fair price shop at premises No.40-A, DDA Flats, Mata Sundri Road, New Delhi, has been rejected.

5. As noticed above, the petitioner was operating his fair price shop from premises No.56/7, Bhalelpur, Sarai Kale Khan, New Delhi till in September-October, 2006 when the said shop was demolished. The petitioner's application for transfer/shifting of the fair price shop license to another premises at C-33, opposite Rajdoot Hotel, Jangpura-B, Nizamuddin East, New Delhi was rejected on 23rd July, 2007. The said order records that the petitioner had tried to mislead the department and in fact another fair price shop was already operating from the said premises. The said order has attained finality and has not been questioned and challenged. After a gap of two years, the petitioner in May, 2009, filed another application for transfer and to restart a fair price shop at premises No.40-A, DDA Flats, Mata Sundri Road, New Delhi. It is noticed that in between, the respondents have taken out a circular dated 30th May, 2008, imposing ban on shifting of fair price shop license. Due to de-registration of cards and as rations are now supplied to specified category of persons, there is a freeze on opening of new ration shops. Many of the existing shops are economically unviable.

6. In these circumstances, I do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

NOVEMBER 09, 2009
NA/P