

Court No. - 8

Case :- WRIT - C No. - 1001393 of 2013

Petitioner :- Tej Prakash

Respondent :- State Of U.P. Thru Secy. Food And Civil Supplies And Others

Counsel for Petitioner :- Ram Naresh Shukla, Amit Sharma

Counsel for Respondent :- C.S.C., Jai Prakash Yadav

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for petitioner and learned Standing Counsel for the State-respondent.

2. Present petition has been filed challenging the order dated 17.07.2012 whereby fair price shops license of the petitioner was cancelled as well as the appellate order dated 21.02.2013 whereby the appeal was dismissed. The petitioner was served with a show cause notice-cum-suspension order on 06.06.2012. The petitioner gave a reply to the said show cause notice with allegation along with the said, certain affidavits in support of the petitioner's contention were also filed, however, the licensee authority passed an order cancelling the license mainly on the ground that the fair price shop holder did not even produce the distribution registers to establish the defense. The petitioner preferred an appeal against the said order. The appeal came to be dismissed on 21.02.2013, while dismissing the appeal, a plea was taken by the petitioner's counsel that register and stock register etc. were lost on the way. The said averment of the appellant was rejected as being an after thought. The Appellate Court has also deduced that nothing has been stated as to which documents carried by petitioners were lost, in view of the said, the Appellate Court dismissed the appeal in the year 2013.

3. Considering the fact that sufficient time has elapsed since dismissal of the appeal and the petitioner failed to produce the records to demonstrate that food grains were properly distributed, no error can be seen with the reasoning recorded by the Appellate Court while dismissing the appeal.

4. No good ground is made for interfering the case at this stage.

5. The petition is accordingly, ***dismissed***.

[Pankaj Bhatia, J.]

Order Date :- 17.10.2023

-Amit K-