

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.960 of 2015

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

2. The petitioner was appointed as a fair price shop dealer of shop No.4 of Pipri Village, Lokeshwaram Mandal, Adilabad District. While so, an inspection was conducted on 09.03.2007 pursuant to which 6-A proceedings were initiated. The second respondent determined and imposed a penalty of Rs.2,000/- for the variation noticed in the inspection. However, the third respondent issued a show cause notice on 25.10.2013, but the petitioner could not submit his explanation. In view of the same, the third respondent cancelled the authorization of the petitioner, by his order dated 06.12.2013. Challenging the same, the petitioner filed the present Writ Petition.

3. This court perused the order passed by the third respondent which reads as follows:

“ Through the reference cited, a show cause notice has been issued to Sri Maggidi Ganganna FP shop dealer, Pipri Village of Lakeshwaram Mandal and directed to submit the explanation regarding as to why his authorization should not be cancelled as he has found guilty for diverting the E.Cs in black market as held by him. The Collector, Adilabad in a 6A case orders have been issued vide Ref CS6/96/2013, dt: 05.10.2013 duly imposing penalty for Rs.2000/-. The FP shop dealer has received show cause notice on 28.11.2013. But the individual has not submitted explanation within the stipulated period, it seems he has no willing to submit explanation at his defense.

In view of the above and taking into the guidelines formulated in the E.C Act, the authorization held by Sri Maggidi Ganganna FP shop dealer, Pipri Village of Lokeshwaram Mandal is hereby cancelled.”

4. Though the petitioner has not submitted explanation, the third respondents should have conducted an independent enquiry and recorded a finding in respect of the allegations leveled against the petitioner. In the absence of the same, the third respondent cannot pass the impugned order.

5. In the circumstances, the impugned order of the third respondent dated 06.12.2013 is set aside and the Writ Petition is allowed. However, the third respondent is directed to conduct an enquiry in respect of the allegations mentioned in the show cause notice dated 25.10.2013 and pass final orders within a period of three months from the date of receipt of a copy of this order. The petitioner is also given liberty to submit his explanation within a period of 15 days from the date of receipt of a copy of this order. No order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 17.07.2015

TJMR