THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No.22177 of 2015

ORDER:

The petitioner was appointed as fair price dealer of shop No.13 of Vennayapalem Village, Bellamkonda Mandal Guntur.
Her authorization was valid till 31.03.2015 and she paid the requisite fee through challan on 21.01.2015 for renewal.

While so, on 11.06.2015 the officials of the respondents inspected the shop of the petitioner and found some minor variations. In respect of the said variations, proceedings u/s.6-A of Essential Commodities Act were initiated and her authorization was suspended, by order dated 27.06.2015. Though she filed an appeal before the second respondent along with the stay application and when the same was not disposed of, the present writ petition is filed.

This Court verified the impugned order dated 27.06.2015 and noticed the table containing the variations. Though individual variation was not noted in respect of PDS rice, the variation was shown as 1.39 quintals excess in total. On comparison of the receipts with opening balance of PDS, it is noticed that the said variation is related to PDS rice. In respect of sugar, it is noticed that the variation is 0.28 quintals. These variations are minor with compared to the stock available with the dealer.

It also appears that the dealer was not present at the time of inspection and there was no occasion for the dealer to explain the variations immediately. The facts and circumstances do not warrant suspension of the authorization of the petitioner pending enquiry.

In the circumstances, the impugned order of suspension of the authorization of the petitioner dated 27.06.2015 is set aside. However, the third respondent is given liberty to conduct enquiry in respect of allegations levelled against the petitioner by giving opportunity to the

petitioner and complete the same within a period of three months from the date of receipt a copy of this order.

The writ petition is allowed to the extent indicated above. Miscellaneous Petitions, if any pending in this writ petition, shall stand closed. No order as to costs.

A. RAMALINGESWARA RAO, J

Date: 17.07.2015
lsn

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