

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 28637 OF 2015

ORDER:

The petitioner was appointed as Fair Price Shop Dealer for Shop No. 52 of Pinnapuram Village, Atmakur Mandal, Kurnool District. The licence of the petitioner was renewed up to 31.3.2017. The petitioner was supplied with second phase e-POS machines along with a trainee from 1.8.2015 to 5.8.2015. The trainee was allowed to operate the e-POS Biometric machine, which is a digital machine. While so, an order of suspension was passed on 20.8.2015 suspending the petitioner's authorisation of Fair Price Shop, on the ground that in respect of kerosene there is a difference of 407 Ltrs excess. Challenging the order of suspension, the present Writ Petition is filed.

Learned counsel appearing for the petitioner submits that the table shown in the order of suspension indicates that opening stock of K. Oil was 182 Ltrs and the sale of commodity was shown as 589 Ltrs listing a excess of 407 Ltrs. In the absence of availability of commodity one cannot sell the stock in excess of the availability. He submits that there is some mistake occurred somewhere in operation of e-POS machine or some other mechanical defect and because of that excess 407 Ltrs was recorded.

This Court is satisfied with the said submission and the second respondent should have verified the same before issuing the order of suspension of authorisation of the petitioner hurriedly on the basis of the said mistake.

In the circumstances, the order of suspension of authorisation dated 20.8.2015 passed by the second respondent is set aside. But, however, the second respondent is directed to verify the fact and if he finds that it requires an enquiry, he can conduct an enquiry in respect of the same, after giving due opportunity to the petitioner.

Accordingly, the Writ Petition is allowed to the extent indicated above. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

A. RAMALINGESWARA

RAO, J

DATE: 04.09.2015

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