

CWP No. 21125 of 2014

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 21125 of 2014.
Date of Decision : 10.09.2015.**

Des Raj

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. S.K. Arora, Advocate for the petitioner.

Mr. Suresh Singla, Addl. Advocate General, Punjab.

Paramjeet Singh, J.(Oral)

Instant petition has been filed under Articles 226 and 227 of the Constitution of India for quashing the order dated 06.02.2013 (Annexure P-5) and order dated 13.06.2013 (Annexure P-6) passed by respondents No. 2 and 3 respectively, whereby the depot license of the petitioner has been cancelled.

Brief facts of the case are that petitioner was issued a license for distribution of the essential commodities on fixed price by the respondent No. 3 under order 5 of the Punjab Public Distribution System (Licensing and Control) Order, 2003. There was a complaint against the petition that he is supplying less quantity of grains to the card holders

besides this he is charging more. His behaviour is not good towards the consumer. In pursuance of that, an enquiry was conducted and a show cause notice was issued to the petitioner. He filed his reply, which was found unsatisfactory. Finally, the authorities came to a conclusion that petitioner actually supplied 10 kg. of A.P.L. wheat but in the sale register 15 kg. of A.P.L. wheat was shown to have been given to each of the card holders. 19 Consumers have deposed before the enquiry authority that they were given 10 kg. of A.P.L. wheat for Rs. 85/-. Besides this, during enquiry, it transpired that even in the sale register no signatures or thumb impressions of the consumers from Serial No. 118 to 132 were existing. It has been pointed out that in pursuance of the enquiry, decision was taken by the competent authority, whereby the license of the petitioner was cancelled vide order dated 06.02.2013 (Annexure P-5). Aggrieved against the order, the petitioner preferred an appeal under Order 8 of Punjab Public Distribution System (Licensing and Control) Order, 2003 before Commissioner, Food, Civil Supplies and Consumer Affairs, Punjab, which was dismissed by the Commissioner vide order dated 13.06.2013 (Annexure P-6).

In pursuance of notice of motion, reply on behalf of the respondent-State has been filed. Para 2 of the reply reads as under :-

“During enquiry the following deficiencies were found:-

- a) 18 Consumers made statements that only 10 kg. of A.P.L. wheat have been given to them by the depot*

holder in the month of December, 2011, whereas 15 kg. have been entered in the sale stock register. Therefore, Depot holder has misappropriated 90 kg. of A.P.L. wheat in the month of December, 2011.

- b) The consumers made statement that Depot holder has given 10 kg. A.P.L. wheat for Rs. 85/- and as such the Depot Holder has charged the excess price.*
- c) The consumers made statements that the behaviour of Depot Holder is not good with the consumers.*
- d) The sale register of the Depot Holder reveals that he has not got the signatures/thumb impressions of the consumers from the seal no. 118 to 132 in A.P.L. sale register.”*

Thereafter complete enquiry was conducted. Even the depot holder has not produced its records, rather stated that the same has been misplaced and he has already lodged report in the Police Station Ghanour on 18.06.2012.

I have heard learned counsel for the parties and perused the record.

Findings of fact have been recorded by the authorities that at least 18 consumers have deposed against the petitioner that he has only supplied 10 kg. of A.P.L. wheat in the month of December, 2011 whereas 15 kg. of A.P.L. wheat was entered in the sale register. Apart from this, the petitioner has charged excess price. Besides this, the finding has been recorded by the authorities that the petitioner has mis-appropriated 90 kg. of A.P.L. wheat in the month of December, 2011. The authorities

have also come to a conclusion that the conduct of the petitioner towards the consumers is not good. In the sale register, the petitioner has shown sale of A.P.L. wheat from Serial No. 118 to 132 but no signatures or thumb impressions of the consumers exist in those entries.

Admittedly, essential commodities, which are to be supplied on the subsidy rates to the consumers by the Govt. as a welfare measure, the petitioner has supplied less essential commodities against the sanctioned quota of the consumers. Concurrent findings have been recorded by both the authorities and they have accepted the enquiry.

In view of the above, I do not find any perversity in the order of the competent authorities.

In the result, the present petition is dismissed.

September 10, 2015.
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(PARAMJEET SINGH)
JUDGE