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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2817/2008 & CM.No.5425/2008

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Judgment dated 20.02.2015

RAJINDER PAL SINGH

..... Petitioner

Through : None.

versus

GOVT. OF DELHI & ORS

..... Respondents

Through : Mr.S.D. Salwan & Ms.Latika Dutta, Advs.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

G.S.SISTANI, J (ORAL)

1. Present petition has been filed by petitioner under Articles 226 of the Constitution of India for issuance of a writ of certiorari or any other writ directing respondents to quash the suspension-cum-show cause notice dated 18.03.2008 issued by Assistant Commissioner (South).
2. The necessary facts for disposal of the present writ petition are that the petitioner had been granted licence no.2541/82 dated 5.4.1982 for running the Kerosene Oil Depot (for short, 'KOD') at F-139, Savitri Nagar, New Delhi under Circle 8, which was renewed from time to time and was lastly renewed for the period starting from 5.4.2002 to 4.4.2005. A copy of the license granted in favour of the petitioner, has been filed along with the writ petition.
3. In this case on 10.3.2008 officials of the Food and Supply Department visited the shop of the petitioner at about 5:20 p.m. but there was none to attend the team. Thereafter the team with the help of local police tried to contact the licensee / salesman / authorization holder but he could not be contacted. After waiting till 7:00 p.m., as none had come to attend the team, the shop of the petitioner (KOD) was sealed in the presence of the

independent witnesses. The petitioner made a request / reply dated 12.03.2008 to the respondent and rendered explanation with respect to inspection dated 10.3.2008, however, on the basis of the report of the team, the Assistant Commissioner (South) issued a suspension-cum-show cause notice dated 18.03.2008, whereby the authorization licence of the said KOD was suspended and the authorization holder was also directed to appear before the Assistant Commissioner (South) on 16.4.2008 at 11:30 a.m.

4. While issuing notice in the matter on 7.4.2008, this court passed the following order:

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Till the next date of hearing, there shall be stay of the effect and operation of the order dated 18th March, 2008.

It is made clear that this order of restraint shall not impact the proceedings pursuant to the notice to show cause dated 18th March, 2008. The petitioner shall file the reply and the petitioner or his duly authorized representative shall appear before the Assistant Commissioner (South) on the date and time specified therein who shall be given a hearing in accordance with the prescribed procedure.

The respondents may proceed to pass a reasoned and speaking order thereof which shall be communicated to the petitioner. The petitioner shall be at liberty to assail the same by way of an appropriate legal proceedings.

5. We are informed by Mr.Salwan, counsel for the respondents that as per the policy of the State Government, no fresh licence for running KODs are being granted and the Kerosene is no more a controlled commodity.
6. In view of above, the present writ petition has become infructuous.
7. Dismissed as infructuous.

G.S.SISTANI, J

FEBRUARY 20, 2015 ssn