

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1361 of 2014

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Pramod Kumar, S/O Birju Rai, Resident of Raghopu, Block- Bihta, P.S- Bihta,
District- Patna.

.... Petitioner

Versus

1. The State Of Bihar Through The Collector, Patna.
2. The Sub Divisional Officer, Danapur, Patna.
3. The Block Supply Officer, Bihta, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mrs. Nutan Kumari Sharma, AC to GA-9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 28-06-2016

Heard parties.

The petitioner was granted licence no.102/2007 for running a P.D.S. Shop under Public Distribution System (Control) Order, 2001. The licence of the petitioner was valid till 30.08.2012. The petitioner could have applied for renewal of the licence after depositing renewal fee with late fine till 30.04.2013, however, he could not submit requisite for renewal, which was eventually deposited on 7.06.2013, i.e., after the delay of about one month and seven days even after expiry of the period during which he was permitted to apply for renewal after depositing of late fine. Hence, it has been held vide Annexure-1 that the moment the petitioner did not apply for its renewal on 30.04.2013, the licence automatically became

invalid and inoperational and, as such, it has been cancelled vide Annexure-1.

A counter affidavit has been filed on behalf of the respondent nos. 1 to 3 stating that the petitioner did not deposit the requisite fee for renewal of licence within eight months from the expiry of the period of the licence and, as such, licence became in-operational, however, it is not being answered by the State that when the licence itself became in-operational what was the occasion for passing of the order of cancellation.

Be that as it may, it has been stated on behalf of the petitioner that due to certain exigency in the family, he could not apply for renewal of the licence and he seeks one time condonation with undertaking that such error would not be repeated in future. Learned counsel appearing on behalf of the petitioner further submits that for his mistake, he has already suffered for about three years. It is also contended that in identical situation, a coordinate Bench of this Court vide order dated 2.03.2007 passed in CWJC No.13734/2004 had restored the licence. A typed copy of the said order has been produced at the time of hearing. Let it be kept on the record.

Having regard to the aforementioned facts and circumstances and also the fact that at the time of passing of Annexure-1, the renewal fee with late fine was already deposited

which has not been denied by the authority, let the error committed by the petitioner be condoned for once and his licence be restored.

However, it is made clear that this order would not be treated as a precedence.

This writ application stands disposed of.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
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