

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.11354 of 2016

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Between:

C. Nagaraja

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Secretary, Consumer Affairs, Food and Civil Supplies (CS.I) Department, Secretariat, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

The case of the petitioner is that he was appointed as fair price shop dealer of Shop No.23, Cheekurupalli Village, Bangarupalem Mandal, Chittoor District, in the year 2008. While so, the CSDT, Bangarupalem inspected the shop of the petitioner and found certain irregularities. Accordingly, the CSDT, Bangarupalem submitted a report dated 25.01.2016 to the 2nd respondent and basing on the said report, the 2nd respondent registered a case under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act') against the petitioner, and passed the impugned order dated 11.03.2016 suspending the authorization of the petitioner pending enquiry. The same is challenged in this writ petition.

The charges framed against the petitioner read as under:

“Charge-I: At the time of inspection that the FP Shop dealer is diverting the stocks and not distributing the essential commodities to the card holders properly as per the dynamic key register / allotment and indulging in clandestine business and divert to black market in selling the PDS rice to the other persons at higher price.

Charge-II: At the time of inspection there is excess stock of Red Gram Dal 8 Kgs found in the FP shop which shows that the FP shop dealer is indulging in mal practice and diverting the resultant Red gram dal into black market for higher prices for his pecuniary gains.

Charge-III: At the time of inspection there is excess stock of Kerosene Oil 8 liters found in the FP shop which shows that he is not properly distributing the ECs to the card holders and diverting the resultant kerosene into black market for higher prices for his pecuniary gains.”

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies for respondents.

Prima facie, the charges made in the show cause notice are trivial in nature. In that view of the matter, in the facts of the present case, it is not a case warranting suspension of fair price shop licence of the petitioner. However, as there are allegations of violation of Control Order, an enquiry has to be conducted.

In that view of the matter, the writ petition is disposed of directing the respondents to conduct enquiry into the allegations made against the petitioner, complete the same, and after giving an opportunity of hearing to the petitioner, pass appropriate final orders as expeditiously as possible.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

6th April, 2016
Js.