

WRIT PETITION No. 18909 of 2016

ORDER:

The petitioner is aggrieved with the cancellation order dated 09.11.2015 as affirmed by the 2nd respondent by order dated 09.05.2016. The cancellation of the authorization of the petitioner's fair price shop was made on the ground that there was a variation in stock beyond permissible limit. One crucial explanation which the petitioner had given with the supporting evidence is to the effect that the inspecting team while inspecting the premises of the petitioner and when weighing each of the 50 kgs. bag, it had shown less quantity.

In other words, it is the specific contention of the petitioner that the M.L.S point itself shows that the less quantity was supplied to him and the variation if at all is attributable to the same as in the end after allowing the permissible variation of 1.5% kilos less for each 100 kgs bag, still there is a variation of shortfall of 4.14 qtls was the finding. In dealing with this aspect, neither the primary authority nor the appellate authority had adverted to and gave a finding with regard to the specific objections raised by the petitioner.

In those circumstances, as there is a gross miscarriage on account of not considering the specific objections raised by the petitioner, the order dated 09.11.2015 as affirmed by the Joint Collector through the order dated 09.05.2016 cannot be sustained.

Accordingly, the writ petition is allowed setting aside the impugned proceedings by remanding the matter back to the 3rd respondent to advert to the specific contentions raised by the petitioner after considering the material that has been placed before him with respect to the weighment of the rice which was received by the petitioner and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of copy of the order. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED:16.06.2016
Gk

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