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

+ W.P.(C) 1952/2016 & CM NOs. 8418-8419/2016

SUMITRA DEVI Petitioner

Through: Ms. Chandrani Prasad, Adv.

versus

THE GOVT. OF NCT OF DELHI & ORS Respondents

Through: Ms. Prabhsahay Kaur, Adv. with Mr.
Arvind Kumar, Asstt. Commissioner, F&S

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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08.03.2016

The present writ petition has been filed challenging the order dated 12th February, 2016 passed by the Special Commissioner (Administration), Department of Food, Supplies & Consumer Affairs as well as for quashing of the order dated 10th July, 2015 passed by the Assistant Commissioner and the order dated 03rd July, 2015 passed by the Commissioner.

Learned counsel for the petitioner states that the irregularities observed such as non-maintenance of cash register at the shop and less stock, were due to seepage and rodent menace.

This Court finds that the Special Commissioner while disposing of the petitioner's appeal No. 69/2015 has observed as under:-

"7. On perusal of the entire case record, I am of view that the licensing authority has acted in tune with the departmental guidelines as the FPS/Appellant violated the terms and conditions laid down in the Delhi Specified Articles (Regulation of Distribution) Order 1981 & Delhi Public Distribution System (Control) Order 2001 and

several discrepancies were pointed out by the licensing authority during the said FPS inspection on 12.3.15 & 18.3.15, viz., stock variation in the FPS, using white/correction fluid on the official records, not keeping the stock records in the FPS, not receiving signatures on cash memos/sales registers etc. It is pertinent to note here that on this similar grounds, the earlier appeal of the Appellant filed against the Suspension order was rejected by the then Appellate Authority.”

(emphasis supplied)

This Court is not an appellate court of the Special Commissioner (Administration).

This Court finds that the principles of natural justice have been duly complied with as the petitioner has been granted several opportunities and her defence on merits has been considered by the statutory authorities on more than one occasion.

This Court also finds that impugned order is based on legal and valid grounds which call for no interference in writ jurisdiction. Consequently, the present writ petition is dismissed.

MANMOHAN, J

MARCH 08, 2016
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