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

+ W.P.(C) 2260/2016 & C.M.No.9754/2016

M/S JAIMAL SINGH & SONS

..... Petitioner

Through Mr.Pradeep Gupta with Mr.Parinav
Gupta, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS

..... Respondents

Through Mr.Rajat Malhotra, Advocate for
GNCTD.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **17.03.2016**

Present writ petition has been filed challenging the suspension order dated 26th February, 2016 whereby the Assistant Commissioner, Food and Supply Department has suspended the authorisation of Fair Price Shop (FPS) license to the petitioner on various grounds.

Learned counsel for petitioner states that the impugned action of the respondent is violative of its own internal circular dated 6th April, 2005, which stipulates a penalty of Rs.5000/- for variation of stock upto 50 kgs of SFAs. He points out that the show cause notice only alleges variation in stock of 22 kgs. in wheat and 14 kgs. in rice i.e. totalling to 36 kgs.

Learned counsel for petitioner further states that in terms of Regulation 4 read with instructions dated 06th April, 2005, the suspension order can be passed only for three months, but in the

present case, no period of suspension has been mentioned.

A perusal of the file reveals that the matter is pending at the show cause notice stage and the respondents have admittedly the power to suspend the FPS licence for a period of three months, which has not expired till date.

Consequently, the present writ petition and the application are disposed of with a direction to the respondents to hand over the copies of seized records within a period of one week. The petitioner is permitted to file a reply thereto within a period of one week thereafter.

The respondent no.3 who has issued the show cause notice as well as suspension order to the petitioner, is directed to dispose of the proceedings pending before him within a period of one month, on receipt of the reply and after giving an opportunity of hearing to the petitioner.

It is clarified that this Court has not expressed any opinion on the merits of the controversy. Rights and contentions of all parties are left open.

MANMOHAN, J

MARCH 17, 2016
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