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

+ **W.P.(C) 2221/2016 & C.M.No.9588/2016**

M/S ASHOK KUMAR GUPTA Petitioner

Through Mr.Parinav Gupta, Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND ORS Respondents

Through Mr.Siddharth Dutta, Advocate for R-
1 to 3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

% **23.03.2016**

Present writ petition has been filed with the following prayers:-

i) *To quash the impugned suspension order dated 23.2.2016 issued by respondent no.3;*

ii) *To revoke the impugned suspension order dated 23.2.2016 during the pendency of the inquiry proceedings by the respondents;*

iii) *To supply copy of the record seized vis. Sales register, stock register, cash memos, copy of the complaint on the basis of which FPS of the Petitioner was inspected, copy of the Stock Variation Statement and copy of the door to door enquiry report in custody of the officials of the respondents.*

iv) *Any other direction/order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.*

Learned counsel for the petitioner submits that the action of respondent no. 3 in seizing all records at the time of inspection dated

5th February, 2016 and thereafter suspending the petitioner is violative of Regulation 4 of the Delhi Specified Articles (Regulation of Distribution) Order, 1981. He submits that the suspension order is also violative of the internal instruction dated 6th April, 2005 in which it is stated that only in cases of stock variation of more than 50 kgs, would the licence be suspended for three months. He also submits that the suspension order could only be for three months and not for indefinite period.

On the other hand, learned counsel for the respondents states that the suspension is on various grounds and not just on variation of stock.

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 licensee 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 petitioner to file a reply to the show cause notice within a period of one week.

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.

Order *dasti* under the signatures of the Court Master.

MANMOHAN, J

MARCH 23, 2016/KA