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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11958 OF 2015

Shri Himanshu Subhashchandra Bhutda .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

Mr. Reddy (Aradwad) Jagdish for the Petitioner.
Ms. A. D. Vhatkar, AGP for the Respondent-State.

CORAM : A. S. GADKARI, J.
DATE : 7th AUGUST, 2017.

P. C. :

1. By the present petition under Article 227 of the Constitution of India, the petitioner has questioned the correctness of the order dated 13.10.2015 passed by the Hon'ble Minister for Food, Civil Supply and Consumer Protection, State of Maharashtra in Review Application and the order dated 04.03.2015 passed in Revision Application No. VAP-1215/Case No.10/N.P.23 passed by the same Authority.

2. Heard the learned counsel for the petitioner and the learned AGP. Perused the record annexed to the petition.

3. The petitioner was a licensee and was running a "Fair Price Shop" at village Loni-Kalbhor, Taluka Haveli, District Pune. That, on 05.05.2014 the Tahasildar, Taluka Haveli, District Pune gave surprise visit for the purpose of checking of the functioning of the petitioner's shop and found material irregularities such as the receipts were not having the name and license number of the Fair Price Shop, the display of board as contemplated under the Food Safety Act, rates of the food-grains were not

displayed on the front side of the said shop and other irregularities. Show cause notices dated 08.05.2014 and 05.06.2014 came to be issued to the petitioner by the Competent Authority. That, the District Supply Officer i.e. the Competent Authority by its order dated 28.07.2014 cancelled the license of the petitioner. The petitioner thereafter preferred a Revision Application before the Deputy Commissioner (Supplies), Pune Division bearing No. 14 of 2014 which came to be rejected by an order dated 26.12.2014. The petitioner thereafter preferred a Revision Application bearing No. VAP-1215/Case No.10/N.P.23 before the Hon'ble Minister, Food, Civil Supply and Consumer Protection which also came to be rejected by an order dated 04.03.2015. The Review Petition filed by the petitioner before the said Authority also did not give any favourable result. In view of the above, the petitioner has filed the present petition.

4. Learned counsel for the petitioner submitted that in the show cause notices dated 08.05.2014 and 05.06.2014, the Competent Authority has given only four grounds and had sought explanation of the petitioner. However the District Supply Officer in its order dated 28.07.2014 has recorded ten reasons for cancelling the license of the petitioner. He submitted that the petitioner was not granted an opportunity to answer the other six grounds recorded by the District Supply Officer in its impugned order dated 28.07.2014. He further submitted that the Government of Maharashtra has framed guidelines by G.R. dated 12.11.1991 and has prescribed the measures/punishment to be inflicted on defaulters of

licensed fair price shopkeepers. He submitted that the allegations against the petitioner fall in Categories 'A' & 'B' of the said guidelines, however, do not call for permanent revocation and/or cancellation of license. He therefore prayed that in view thereof, the petition may be allowed and the license cancelled by the Competent Authority may be revoked.

5. It is a fact that the Competent Authority in its show cause notices dated 08.05.2014 and 05.06.2014 has mentioned four grounds, which according to the said Authority were the irregularities found at the time of inspection. Even other six grounds mentioned in the order dated 28.07.2014 passed by the Competent Authority are not taken into consideration, the four grounds mentioned in the show cause notices, according to me, are grave irregularities and in fact had violated the basic necessities for running a fair price shop by a licensee. It clearly appears from the show cause notices that, the petitioner has also violated the mandate of Food Safety Act. All the authorities below after taking into consideration the violation committed by the petitioner have reached to the conclusion, thereby cancelling the license of the petitioner.

After taking into consideration the entire material available on record and the facts involved in the present case, I find no irregularity or error either in law or on facts in the orders passed by the Authorities mentioned above.

The petition being devoid of any merits and is, accordingly, rejected.

[A. S. GADKARI, J.]