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

+ W.P.(C) 2891/2017 & CM No. 21484/2017

SAVITRI DEVI & ANR

..... Petitioners

Through: Ms Amiy Shukla and Mr Shakti
Vardhan, Advocates.

versus

GOVERNMENT OF NCT OF DELHI & ORS Respondents

Through: Mr S. K. Sethi and Dolly Sharma,
Advocates alongwith Mr K. Prasad
(FSO) and Mr Ashok Sahni (Insp.
FAS Department).

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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01.08.2017

1. The petitioners have filed the present petition, *inter alia*, praying that directions be issued to the respondents to issue new PR-S category NFS card with appropriate sugar entitlement.

2. The petitioners belong to the below poverty line category (BPL) and were also issued a BPL card (number BPL66240046) on 29.06.2002. It is stated that the petitioners' family is a wheat eating family and hence were entitled to 5 kg of wheat, 10 kg of rice, 1200 gm. of sugar and 22 litres of kerosene oil per month. The petitioners state that due to a demise in the family, the petitioners left for their village in 2007. In the meanwhile, the

respondents issued a notification calling upon BPL card holders to renew their card. However, since the petitioners were not in Delhi, they remained unaware of such notification(s) and did not apply for renewal of the BPL card.

3. It is averred that, thereafter, the petitioners approached the respondents on a number of occasions and were finally issued a ration card. Since they were in BPL category, they also qualified as a "priority household" within the meaning of Section 10 of the National Food Security Act, 2013. However, it is conceded that the petitioners are not the poorest of the poor and thus are not covered under the Antodya Anna Yojana (hereafter 'AAY').

4. The learned counsel for the respondents states that now there are no BPL card holders as the said differentiation has been done away with under the National Food Security Act, 2013. In terms of the said Act, there are only two categories of families covered; one being the families covered under the AAY and the other being the remaining priority households. Thus the petitioners would either be entitled to AAY cards or PR card depending on which category they fall under.

5. The learned counsel also states on instructions of Mr Kisamt Prasad, FSO, Government of NCT of Delhi, Department of Food Supplies & Consumer Affairs that the priority households are not entitled to sugar. He states that BPL card holders were entitled to sugar earlier and in order to maintain supplies of subsidised sugar to those persons who were issued BPL cards, the respondents came up with another card, namely, PR-S card. This

card was given to those persons who were earlier having a BPL card and would entitle them to sugar (which the other PR card holders were not entitled to). He further submits that currently this differentiation has also been done away with as no sugar is being supplied to any priority household.

6. Therefore, the current position is that there are only two card holders, namely, AAY card holders and PR card holders. As stated earlier, PR card holders are not entitled to sugar.

7. In view of the above, the petitioners' contention that the BPL card be renewed cannot be accepted because as of today there is no provision for issue of BPL cards. However, there is much merit in the petitioners contention that if certain category of PR card holders are segregated in future for providing sugar to them, then the petitioners ought to be considered for the same since the petitioners were earlier BPL card holders. Clearly, no distinction could be drawn between BPL card holders who had renewed their card earlier and BPL card holders who had neglected to do so. The question of whether supplies have been made to a particular family have to be determined on the basis of their level of income and other relevant factors and not merely on the basis of whether they had renewed their BPL card or not.

8. In view of the above, the present petition is disposed of by directing that in the event the respondents decide to provide sugar to priority households, they would independently verify whether the petitioners qualify the relevant criteria based on their income and other factors and they shall

not be denied sugar merely on the basis that they had not renewed their BPL card.

9. No order as to costs.

AUGUST 01, 2017
MK

VIBHU BAKHRU, J