

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16391 of 2016

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Md. Noman son of Late Abdul Mannan resident of Matiyari, P.O. - Matiyari,
Police Station-Jokihat, District - Araria

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Araria
2. The District Supply Officer, District- Araria
3. The Sub-Divisional Officer, Araria
4. The Block Supply Officer, Block- Joki Hat, District - Araria

.... Respondents

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Appearance :

For the Petitioner : Mr. Dilip Kumar Singh, Advocate

For the Respondents : Mr. S. Raza Ahmad-AAG5
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-02-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for setting aside the order dated 14.01.2016 contained in memo No. 47 passed by Sub-Divisional Officer, Araria (Respondent no. 3) whereby and whereunder the licence of the petitioner of P.D.S. shop has been cancelled; and for issuance of a direction to the respondents to restore the position of the petitioner as the P.D.S. licence holder.

3. Learned counsel for the petitioner submits that the renewal fee could not be deposited within time owing to the petitioner having met with an accident. Such deposit together with late fee was deposited after a short delay on 30.12.2015 which ought to have been



considered by the respondents and delay condoned.

4. Learned counsel for the respondents, on the other hand, submits that according to the relevant circular, delay in depositing the renewal fee of the licence can be condoned only for a period of eight months and not beyond. The renewal fee was thus required to be deposited by 30.11.2015 latest which was not done by the petitioner and there is no provision for further condonation of delay beyond the period of eight months. Reference is invited to circular no. 1800 dated 02.03.2015 (Annexure- A to the counter affidavit).

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court does not find any merit in the writ petition. It is not in dispute that payment of renewal fee of licence has been made beyond the condonable period of eight months and the said circular does not empower the respondents to condone the delay beyond the said period. As such, no fault can be found with the action of the respondents in cancelling the PDS licence of the petitioner. The petitioner has also not given satisfactory explanation for delay in making payment of renewal fee as he has not controverted the stand of the respondents to the effect that even during the period in question, the petitioner regularly took kerosene oil from M/s National Oil Agency, Jokihat, Araria and was therefore conducting business normally.



6. The writ petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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