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

+ W.P.(C) 10543/2018 & C.M. No. 41134/2018

THE BEGUMPUR AHIRAN CO-OPERATIVE MULTIPURPOSE
SOCIETY LTD. Petitioner

Through: Mr. Manoj K. Srivastava and
Mr. R.N. Yadav, Advocates.

versus

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI (GNCTD) AND ORS. Respondents

Through: Mr. Ramesh Singh, SC with Mr. Chirag
Jain, Advocates

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **05.10.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for quashing the Suspension-cum-Show Cause Notice dated 04.9.2018, issued by the respondent No.2/Asstt. Commissioner, North-West District Food Supplies and Consumer Affairs, GNCTD, calling upon the Society to show cause in writing as to why its licence should not be cancelled and the entire amount of security forfeited to the State for continuing to run a FPS under the name of M/s Begumpur Ahiran Co-operative M.P. Society, in District North-West, without renewal of the licence issued as long back as on 25.1.1977, which stood lapse after three years from the date of its issuance.

2. Mr. Ramesh Singh, learned counsel for the respondents states that the Department has brought the records which reveal that the petitioner/Society

has submitted two replies dated 07.9.2018 and 19.9.2018 respectively, through Mr. Amit Kumar, Secretary of the petitioner/Society, addressed to the respondent No.2, in compliance of the Suspension-cum-Show Cause Notice. Learned counsel hands over the Department file, which confirms the said position.

3. On being confronted with the aforesaid position and on asking learned counsel for the petitioner/Society to explain as to why this information has been suppressed in the present petition, he states on instructions from Mr. Amit Kumar, Secretary of the petitioner/Society, who is also the deponent of the affidavit filed in support of the present petition, that the said error is on account of *bonafide* inadvertence.

4. We decline to accept the such a flimsy excuse for keeping away the relevant material information from the Court. This itself sufficient to non-suit the petitioner/Society. In view of the conduct of the petitioner/Society, who has deliberately withheld material information from the Court, we decline to entertain the present petition. Even otherwise, the petitioner/Society has already given two set of replies to the impugned Show Cause Notice issued by the respondent No.2. It is now for the said respondent to take a decision after perusing the said replies.

5. The present petition is dismissed along with the pending application.

HIMA KOHLI, J

REKHA PALLI, J

OCTOBER 05, 2018/ap