

\$~56

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

+ W.P.(C) 12505/2018 & CM No.48537/2018

THE BEGUMPUR AHIRAN CO-OPERATIVE
MULTIPURPOSE SOCIETY LTD.

..... Petitioner

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

versus

GOVERNMENT OF NATION CAPITAL TERRITORY
OF DELHI (GNCTD) AND ORS.

..... Respondents

Through: Mr Gautam Narayan, ASC for
GNCTD with Ms Mahamaya
Chatterjee, Advocate alongwith Mr
M. S. Premi, Assistant Commissioner
(East), Department of Food Supply
and Consumer Affairs.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

27.11.2018

1. The petitioner has filed the present petition, *inter alia*, impugning an order dated 19.09.2018 passed by respondent no.2 (the Assistant Commissioner, North West District Food Supplies & Consumer Affairs) cancelling the FPS licence issued to the petitioner (FPS licence no.3644 dated 25.01.1977).
2. Mr Narayan, learned counsel appearing for the respondents states that the order impugned in the present petition is, in fact, file notings and the cancellation order was issued subsequently on 15.10.2018. He has also handed over a copy of the said cancellation letter, which indicates that the

FPS licence issued to the petitioner was cancelled as the petitioner had failed to provide the necessary documents for its renewal.

3. It is seen that the petitioner has an alternative remedy of an appeal before the Commissioner of Food and Supplies and Consumer Affairs, Delhi in terms of Rule 6 of the Delhi Specified Articles (Regulations of Distribution) Order, 1981.

4. In view of the above, the present petition is disposed of with liberty to challenge the cancellation order dated 15.10.2018 before the Commissioner, Department of Food Supplies and Consumer Affairs, Delhi. It is further directed that if an appeal is preferred within a period of one week from today and the petitioner provides all the necessary documents as required, the Commissioner shall consider the petitioner's case sympathetically uninfluenced by the fact that those documents have not been supplied at the initial stage and also uninfluenced by the question of delay.

5. The pending application also stands disposed of.

VIBHU BAKHRU, J

NOVEMBER 27, 2018
MK