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

+ W.P.(C) 12514/2018

M/S PRITHVI SINGH PROP. ARVIND KUMAR Petitioner

Through: Mr Visheshwar Shrivastav, Advocate.

versus

ASST. COMMISSIONER (SOUTH) GOVT. OF NCT
OF DELHI

..... Respondent

Through: Mr Gautam Narayan, ASC, GNCTD
with Ms Shivani Vij and Ms
Mahamaya Chatterjee, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.11.2018**

CM Nos. 48569/2018 & 48570/2018

1. Allowed, subject to all just exceptions.

W.P.(C) 12514/2018 & CM No. 48568/2018

2. The petitioner has filed the present petition impugning an order dated 22.10.2018 passed by the Assistant Commissioner (South), Food and Supplies Department, Govt. of NCT. In terms of the said order, the petitioner's authorization to operate Fair Price Shops (FPS) has been cancelled. The allegation against the petitioner is that the rations have been sold to 90 card holders, who were subsequently found to be not residing at their respective addresses. The petitioner claims that he had no role to play in the issuance of ration cards and was obliged to distribute the food articles to all ration card holders.

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. In view of the above, the present petition is disposed of leaving it open to the petitioner to avail the alternative remedy. It is further clarified that if the petitioner files an appeal within a period of one week from today, the same would be considered by the Appellate Authority uninfluenced by the question of delay. It is also expected that the petitioner's appeal, if any, shall be disposed of as expeditiously as possible and preferably within a period of one month from filing the said appeal.
4. The pending application also stands disposed of.
5. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

NOVEMBER 26, 2018
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