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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 5026/2020**
VINOD KUMAR GUPTA

..... Petitioner

Through: Mr.Pradeep Gupta, Adv.

versus

GOVERNMENT OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr.Gautam Narayan, ASC for
GNCTD with Ms.Shivani Vij, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **14.08.2020**

This petition has been heard through video conferencing.

CM APPL. 19000/2020 (For placing on record Amended Memo of Parties and Fresh Affidavit.)

For the reasons stated in the application, the same is allowed. The amended Memo of Parties and the fresh affidavit is taken on record.

W.P.(C) 5026/2020 & CM APPL. 18095/2020

This petition has been filed by the petitioner feeling aggrieved of the order dated 24.07.2020 issued by the Food and Supply Officer informing the petitioner to stop the sale of food grains as “the inquiry dated conducted on 18.07.2020 & file is under submission to the higher authorities”.

The learned counsel for the petitioner has placed reliance on Regulation 4(1) of the Delhi Specified Articles (Regulation of Distribution) Order, 1981, to submit that the suspension of a license can take place only

by the order of the Deputy Commissioner and after granting a reasonable opportunity to the affected party of being heard. An order can also be passed without hearing the party where such action is 'necessary', however, for the same there has to be, therefore, reasons recorded in writing and in any case, such order cannot exceed a period of three months. He submits that in the present case, no such order has been passed.

The learned counsel for the respondents, who appears on advance notice, admits that no order under Regulation 4 for suspending the license of the petitioner has been passed, however, he submits that certain inquiry is pending against the petitioner and a police complaint has also been registered against the petitioner.

In my view, as the order under Regulation 4 has not been passed against the petitioner, the Impugned Decision, to suspend the sale of food grains by the petitioner, could not have been validly passed. Accordingly, the same is set aside, leaving it open to the respondents to act in accordance with law.

The petition is allowed in the above terms.

A copy of this order be supplied to the learned counsels for the parties by way of e-mail.

NAVIN CHAWLA, J

AUGUST 14, 2020/rv