

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 669 of 2021**

- Rajeshwari Women Self Help Group Manpur Through Secretary Smt. Rukmani Gupta W/o Sakindara Gupta Aged About 50 Years, Secretary Of Rajeshwari Women Self Help Group Manpur P.S. Chalgali Tahsil- Wadrafnagar, District Balrampur- Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supply Mahanadi Bhawan New Raipur District Raipur, Chhattisgarh
2. The Collector (Food Department) Balrampur District Balrampur- Ramanujganj, Chhattisgarh
3. The Sub Divisional Officer (Revenue) Wadrafnagar, District Balrampur- Ramanujganj, Chhattisgarh
4. The Food Inspector Wadrafnagar, District Balrampur- Ramanujganj, Chhattisgarh
5. Govt. Fair Price Shop Village- Alaka Police Station Chalgali Tahsil Wadrafnagar, District Balrampur- Ramanujganj, Chhattisgarh

---- Respondents

For Petitioner	:	Shri A.N. Pandey, Advocate
For Respondent	:	Shri P. Acharya, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****11.02.2021**

Heard.

1. The grievance of the petitioner is that the petitioner's fair price shop was suspended by order dated 01.10.2020. It is submitted that as per the provisions of Section 16 (1) of Chhattisgarh Public Distribution System (Control) Order, 2016 [henceforth 'Control Order, 2016'] the time limit for redressal of such cases shall not exceed three months, whereas considerable time has been passed, however the SDO Wadrafnagar has not decided the case of the petitioner.

2. Section 16 of the Chhattisgarh Public Distribution System (Control) Order, 2016 reads as under:-

16. Penalty :- (1) If shopkeeper contravenes any provision of agreement, then he shall be liable for suspension or cancellation by the officer authorized officer for allotment of Fair Price shop. The time limit for redressal of such cases shall not exceed three months.

(2) During inspection of shop, if any irregularity found, then without prejudice to any action the whole or part of amount deposited by shopkeeper as security, shall be forfeited in favour of the State.

(3) Before cancellation of authority letter of Fair Price Shop or forfeiture of whole or part of security, Food Controller or Food Officer of district, Sub-Divisional Officer of sub-division shall issue show cause notice to Fair Price Shopkeeper and after giving an appropriate opportunity of being heard shall decide within a period of a month from issuance of show cause notice.

3. Reading of the order would show that if the suspension is caused then the time limit for redressal of such case should not exceed three months and that too opportunity of hearing must be given to the aggrieved. In this case the order is dated 01.10.2020 and till date it appears that the proceeding has not been concluded.
4. In view of such mandate of Control Order, 2016 *supra*, the SDO is directed to conclude the proceeding within a period of 30 days from the date of receipt of this order.
5. Accordingly, the writ petition stands disposed of.

Sd/-
(Goutam Bhaduri)
Judge