

Sabita Singh Wife of Vaibhav Kumar Singh, Resident of Village-Nibi, P.S.-  
Bhagwanpur, District-Kaimur at Bhabhua, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Kaimur (Bhabhua).
3. The Sub Divisional Officer, Bhabhua.
4. The Assistant District Supply Officer, Bhabhua.
5. The Incharge Block Supply Officer, Bhagwanpur, Bhabhua.
6. The Block Supply Officer, Bhagwanpur, Bhabhua.

... .. Respondent/s

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.  
Mr. Preety Kunwar, Adv.  
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)  
Mr. Upendra Pratap Singh, AC to SC -4

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR  
and  
HONOURABLE MR. JUSTICE JITENDRA KUMAR  
ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

2      05-08-2022                      Heard Mr. N. K. Agarwal, the learned senior  
counsel for the petitioner and Mr. Upendra Pratap Singh, the  
learned counsel for the State.

The petitioner has challenged the order dated 12.08.2020 passed by the Licensing Authority cancelling the license of the petitioner and the order dated 27.09.2021



passed in Supply Appeal No. 05 of 2020 by which the order of cancellation of license has been affirmed.

The learned senior counsel for the petitioner has submitted that though the claim of the department is that the notice sent to the petitioner was received by his wife but the petitioner denies the same, which stand he had taken before the Licensing Authority as also the Appellate Authority. It has thus been urged on behalf of the petitioner that he did not get any opportunity to represent his cause effectively.

Since there is no rebuttal of the aforesaid contention on record, we deem it appropriate to set aside both the orders impugned in the present petition and remit the matter to Licensing Authority to serve a fresh notice to the petitioner within a period of 30 days from the date of receipt/production of a copy of this order.

On receipt of such notice, the petitioner shall reply to the same and the Licensing Authority after adverting to the reply so filed by the petitioner, shall pass a final order within a period of 60 days thereafter giving reasons in support of the same.

The order so passed by the Licensing Authority shall be made available to the petitioner forthwith.



With the aforesaid direction / observation, the writ  
petition stands disposed of

**(Ashutosh Kumar, J)**

**( Jitendra Kumar, J)**

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