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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6447 OF 2023

Kalyani Mahila Bachat Gat Kothale
through its Chairman
Seema Namdeo Bhandalkar

...Petitioner

Versus

State of Maharashtra & Anr.

...Respondents

Mr. Mandar Soman, for the Petitioner.

Mrs. M. S. Srivastava, AGP, for the Respondents/State.

CORAM : MADHAV J. JAMDAR, J.

DATED : 27th OCTOBER 2023

Judgment :

1. Heard Mr. Soman, learned counsel appearing for the Petitioner and Mrs. Srivastava, learned AGP appearing for the Respondents/State.
2. The Petitioner i.e. Mahila Bachat Gat is challenging the legality and validity of the order dated 8th March 2023 passed by the District Supply Officer, Pune by which, drastic action of cancellation of license to conduct Fair Price Shop is taken.
3. It is the contention of Mr. Soman, learned counsel appearing

Sonali

for the Petitioner that the Petitioner gave detailed reply to the Show Cause Notice dated 5th December 2022, however, the said reply is not considered at the time of passing the impugned order dated 8th March 2023. It is his further submission that the said Show Cause Notice does not mention that the drastic action of cancellation of license/authorization is proposed to be taken against the Petitioner. He also relies on the decision of the learned Single Judge of this Court in **Stawan Mahila Bachat Gat & Ors. vs. The State of Maharashtra & Ors.**¹, wherein it has been held that only because during inspection of fair price shop of the Petitioners, certain quantity of food grains was found to be less, the same do not warrant a serious action of cancellation of their permit/authorization.

4. It is the contention of Mr. Soman, learned counsel appearing for the Petitioner that the sole defect found during inspection of Fair Price Shop that certain quantity of food grains was found to be less. He further submitted that there is no substance in the said alleged defect and in any case no material on the basis of which the impugned order has been passed is provided to the Petitioner.

5. Learned AGP supported the impugned order.

1 2022 SCC Online Bom 332 : WP No.12344/2017 [Aurangabad Bench]

Sonali

6. However, perusal of record shows that the Show Cause Notice dated 5th December 2022 does not mention anything about the proposed drastic action of cancellation of license/authorization. Therefore, there is violation of principles of natural justice. In view of this, the present Writ Petition challenging the impugned order of the District Supply Officer is maintainable inspite of availability of alternate remedy in view of the law laid down by the Hon'ble Supreme Court in **Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai & Ors.**²

7. Apart from that, as held in **Stawan Mahila Bachat Gat & Ors.** (supra), serious action of cancellation of license is not warranted only because certain quantity of food grains was found to be less.

8. In view of above discussion, order dated 8th March 2023 passed by the District Supply Officer, Pune as well as the Show Cause Notice dated 5th December 2022 issued by the District Supply Officer are quashed and set aside. Resultantly, the license/permit of the Petitioner is restored. District Supply Officer to take steps to restore the license in accordance with this order within one month from today.

² (1998) 8 SCC 1

Sonali

9. After the license of the Petitioner to conduct Fair Price Shop is restored to the Petitioner, the District Supply Officer is at liberty to issue fresh Show Cause Notice specifically mentioning the grounds and the proposed action to be taken against the Petitioner. The District Supply Officer also to furnish to the Petitioner the material which will be relied upon against the Petitioner. The District Supply Officer to pass fresh order after following the principles of natural justice.

10. The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]