

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-4867-2023 (O&M)
Date of Decision:-06.12.2023

Gurnam Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Kumar Arora, Advocate, for the petitioner.

Ms. Anju Sharma, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner assails order dated 01.03.2023 (Annexure P-5) vide which the District Controller, Food Civil Supplies and Consumer Affairs, Ferozepur ordered for suspension of supply of essential commodities to the fair price depot allotted to the petitioner in exercise of powers under the Punjab Public Distribution Licensing & Control Order 2016 and Punjab Public Distribution Licensing & Control (Amendment) Order 2023.
2. Learned counsel for the petitioner submits that as per Clause 15 of the aforesaid Control Order, the respondent could have suspended the license without Show Cause Notice only for a maximum period of 90 days whereas in the instant case, the license remained suspended for more than 8 months.

Clause 15 of Punjab Targeted Public Distribution System (Licensing and Control Order), 2016 is reproduced hereunder:-

- “1. If a licensee/fair price owner or his agent or servant or any person acting on his behalf contravenes any of the terms or conditions of his licence or any provision of this Order, then, without prejudice to any action that may be taken against him the Licensing Authority may by an order in writing cancel or suspend the licence with regard to that commodity in respect of which contravention has been made.

Provided that no order shall be made under this clause unless the licensee has been given a reasonable opportunity to defend his case.

Provided further that the licensing authority may suspend a license without giving a reasonable opportunity to defend his case to the licensee, for a period not exceeding ninety days during the pendency or in contemplation of the proceedings for cancelation of his license.

2. Every fair price shop owner/licensee whose license has been cancelled or suspended or hasn't been renewed, shall dispose of his stocks of essential commodities issued to him/her within such time and to such person and in such manner, at such prices, as may be specified by the District Magistrate."
3. A perusal of the aforesaid rule would indicate that in case, a license issued to any depot holder is to be suspended, the authority concerned is required to give a reasonable opportunity to depot holder before passing any such order. However, in case the licence is suspended without issuing any Show Cause Notice, such suspension cannot exceed a period of 90 days.
4. Learned State counsel has fairly submitted that although no Show Cause Notice had been issued to the petitioner at the time of passing of order dated 01.03.2023 and that the supplies to the petitioner remained discontinued, but as of now a decision has already been taken to initiate proceedings against the

petitioner and a Show Cause Notice had been issued, pursuant to an inquiry having been conducted wherein several irregularities have been recorded.

5. This Court finds that the licence remained suspended for more than 90 days and the proceedings on the basis of inquiry have been initiated beyond the period of 90 days. However, the said proceedings having been initiated, the aforesaid delay in initiating proceedings or the inaction on the part of the respondents to take necessary steps in time can only be termed as an irregularity and cannot be said to prejudice the petitioner at this stage when after full-fledged inquiry proceedings have been initiated. The petition, as such, deserves dismissal and is hereby dismissed.
6. Needless to mention, the petitioner would at liberty to put up his case before the authority concerned and to defend himself. The authority concerned shall take all necessary steps for concluding the proceedings pursuant to the Show Cause Notice at the earliest.
7. Respondent No.2 shall also ensure that in future in all other cases, the provisions of the Control Order are duly complied with so as to ensure that there is no delay in taking a decision as to whether or not to proceed against any depot holder, once the license has been suspended.

06.12.2023

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No