



\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 1123/2024**

BRAJ BHAN RAHUL AND ORSAppellants

Through: Mr. Anup Kr. Das and Mr.
Narinder Dhir, Advs.

versus

AGRICULTURAL PRODUCE MARKET COMMITTEE

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **18.11.2024**

CM APPL. 66931/2024 (Ex.)

Allowed, subject to all just exceptions.

The application shall stand disposed of.

LPA 1123/2024, CM APPL. 66929/2024 (Addl. Document), CM APPL. 66930/2024 (70 Days Delay), CM APPL. 66932/2024 (Ex. From Complete Court Records) & CM APPL. 66933/2024 (12 Days Delay in Refiling)

1. The present appeal is directed against the judgment handed down by the learned Single Judge dated 19 June 2024 dismissing a writ petition which had been preferred by the appellants. The appellants had sought the following reliefs before the learned Single Judge:

“A. issue a Writ of Mandamus or such other similar orders thereby quashing the Orders of the Respondent No. 1 and the Respondent No. 2 in respect of the cancellation of “A” Category



Licences of the Petitioners;

B. pass appropriate directions to the Respondents to restore and to renew the “A” Category licences of the Petitioners w.e.f. the due date i.e. when the same were discontinued; and

C. pass any such other or further order and/or direction, which this Hon’ble Court may deem fit and proper in the facts and circumstances of the case in the interest of justice.”

2. The dispute itself pertained to Category ‘A’ licenses held by the appellants and which had thereafter come to be cancelled by the respondents.

3. The learned Single Judge has, after taking note of the various disclosures made, come to record as follows:

“10. The petitioners were granted 'A' Category licenses for selling fruits and vegetables in Subzi Mandi, Shakurpur Pushta, Delhi which were renewed subsequently from time to time. The respondent no.1 issued show cause notices dated 25.11.2002 to the petitioners wherein it was mentioned that the petitioners have taken licence by submitting false and wrong information for wrongful gains as revealed from findings of the fact finding Committee and relevant portion of fact finding enquiry concerning the individual petitioner was also enclosed with the show cause notice. The respondent no.1 through Assistant Secretary-1 asked the petitioners to show cause as to why their licenses should not be cancelled for lapses as mentioned in show cause notices on their part. The petitioners were directed to file reply to show cause notices within 07 days. The petitioners as such before cancellation of their 'A' Category licenses were issued show cause notices and relevant portion of findings of fact finding enquiry was also enclosed with the show cause notices. The petitioners also filed their respective replies wherein it is primarily stated that objections raised under show cause notice were wholly frivolous and have been raised to defeat the case of the petitioners regarding allotment of a shop/site/phar at Ghazipur Mandi. It was also stated that the licenses were issued to the petitioners after completion of requisite and necessary formalities and necessary documents were submitted by the petitioners along with application for grant of licenses. The licenses were renewed in the years 2000, 2001 and 2002. The petitioners also explained and replied to other allegations as mentioned in show cause notices.

10.1 The counsel for the respondents argued that subsequent to grant of 'A' Category licenses to the petitioners, several



deficiencies were found in the documents submitted by the petitioners and accordingly show cause notices were issued to the petitioners informing them about deficiencies and false and wrong information submitted by the petitioners. The counsel for the petitioners argued that deficiencies pointed out by the respondents were curable and without having any bearing effect on grant of licenses and their validity. The Tabular Charts pointing out deficiencies as per respondents in the documents or information given by the petitioners in applications submitted by the petitioners for grant of licenses and replies given by the petitioners were filed in compliance of orders dated 13.05.2010 and 02.09.2021 which are perused. The perusal of Tabular Chart filed in compliance of order dated 13.05.2010 reflects that the petitioners did not mention accurate information in applications submitted for grant of 'A' Category licenses and there were various discrepancies in the documents submitted along with applications. The petitioners were required to furnish accurate information in application forms and correct and right documents were also required to be submitted along with applications. The discrepancies as detailed in Tabular Charts cannot be permitted or allowed to be corrected subsequently as pleaded by the petitioners and many of such discrepancies cannot be cured procedurally. There is no force in arguments advanced by the counsel for the petitioners that deficiencies pointed out by the respondents were curable and without having any bearing effect on grant of licenses and their validity.

10.2 This court vide order dated 05.08.2003 passed in Civil Writ Petitions bearing no. 4570/2002 titled as **Subhash & Others V Govt. of N.C.T. of Delhi & Others** and 1355/2003 titled as **Sonia Kapoor & Others V Govt. of N.C.T. of Delhi & Others** directed the respondent no.1 for taking necessary decision in pursuance to the show cause notices and after considering responses along with documents received from the petitioners. Thereafter the Assistant Secretary of the respondent no.1 vide order dated 11.03.2004 cancelled the renewal of licenses of the petitioners. The perusal of order dated 11.03.2004 reflects that the documents submitted by the petitioners for renewal of licenses for years 2002-2003 and 2003-2004 were examined on 14.01.2004 by the concerned committee in pursuance of show cause notices issued to the petitioners and thereafter, after due consideration in pursuance of directions given by this court vide order dated 05.08.2003, the respondent no.1 has cancelled application for renewal of licenses for years 2002-2003 and 2003-2004. The respondent no.1 before passing the order dated 11.03.2004, had given sufficient opportunity of being heard to the petitioners by issuing show cause notices and also considered replies submitted by the petitioners. The respondent no.1 as such followed principles of natural justice before passing order dated 11.03.2004 which cannot be termed as



arbitrary, perverse or discriminatory. The petitioners were given real, rational and effective hearing which included issuance of show cause notices and disclosure of relevant material which the respondent no.1 actually used against the petitioners before passing order dated 11.03.2004. There is no legal force in arguments advanced by the counsel for the petitioners that deficiencies pointed out by the respondent no1 as detailed in respective show cause notices issued to individual petitioners were curable without having any bearing effect on grant of licenses. The respondent no.1 duly considered explanations and submissions of the petitioners in right prospective and thereafter rejected such explanations after following principles of natural justice.”

4. The appellants appear to have woefully failed to establish that the Category ‘A’ licenses had permitted them to undertake activities at the site in question. It was this which perhaps led to the Municipal authorities undertaking the exercise of demolition.
5. Even before us, learned counsel for the appellants have been unable to establish or draw our attention to any material that may have indicated that the site in respect of which the Category ‘A’ licenses were granted by the concerned Agricultural Produce Market Committee was one which had been duly identified and allotted in accordance with law.
6. On an overall conspectus of the aforesaid, we find no error in the judgment ultimately rendered.
7. The appeal fails and shall stand dismissed.

YASHWANT VARMA, J.

DHARMESH SHARMA, J.

NOVEMBER 18, 2024/DR