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

+ **W.P.(C) 16713/2024**

M/S SAROJ STORE

.....Petitioner

Through: Mr. Parinav Gupta, Mr. Pardeep
Gupta, Ms. Mansi Gupta, Advocates

versus

GOVT OF NCT OF DELHI AND ANR.

.....Respondents

Through: *Appearance not given*

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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04.12.2024

CM APPL. 70704/2024 (Exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

W.P.(C) 16713/2024 & CM APPL. 70705/2024 (for stay)

4. The present writ petition impugns order dated 02nd November, 2024, whereby Petitioner's licence for Fair Price Shop¹ bearing No. 8989, has been cancelled by the Assistant Commissioner (West), Food & Supplies Department, GNCTD, in exercise of powers under clause 4 of the Delhi Specified Food Articles (Regulation and Distribution) Control Order, 1981².
5. Clause 6 of the Delhi Specified Food Articles Order provides for an

¹ "FPS"



appellate remedy before the Commissioner, Food & Supplies Department, GNCTD.

6. In light of the above, after making submissions for some time, counsel for the Petitioner submits that he would like to withdraw the present writ petition and avail of the appellate remedy. He further requests that the Court extend the time period for filing the appeal, as the prescribed period for filing has already lapsed. He emphasizes that the Petitioner was holding a valid FPS licence when her request for a change in constitution was erroneously accepted by the Respondents on 24th February, 2021.

7. Considering the foregoing, and noting that an appellate remedy is available to the Petitioner, this writ petition is disposed of with the following directions:

7.1 The present writ petition is dismissed as withdrawn with liberty to the Petitioner to take recourse to the appellate remedy provided under clause 6 of the Delhi Specified Food Articles (Regulation and Distribution) Control Order, 1981. The Petitioner is also permitted to raise grounds for interim relief before the Appellate Authority, which shall be duly considered.

7.2 The time for filing the appeal is extended by 15 days from today. If the appeal is filed within the extended timeline, it shall not be rejected on the ground of limitation. However, if no appeal is filed within the stipulated period, the interim protection granted by this order shall cease to operate.

7.3 Pending consideration of the appeal and the Petitioner's request for interim relief, the operation of the impugned order dated 2nd November, 2024, shall remain in abeyance.

8. It is clarified that the direction to keep the impugned order in

² "Delhi Specified Food Articles Order"



abeyance does not reflect the Court's opinion on the merits of the case. This direction has been issued solely to enable the Petitioner to exhaust the appellate remedy in the peculiar facts of the case.

9. With the above directions, the present writ petition is disposed of along with pending application(s).

SANJEEV NARULA, J

DECEMBER 4, 2024/ab