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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-22037-2023 (O&M)
Date of Decision: 28.10.2025

Vikash

.... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Jitender Nara, Advocate
for the petitioner.

Mr. Nitin Kaushal, Addl. AG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing/setting aside the impugned order dated 14.11.2022 (Annexure P-16) passed by respondent No.3 and the order dated 28.03.2022 (Annexure P-14) passed by respondent No.4 vide which ration depot licence of the petitioner has been cancelled with a further prayer to direct the respondents to restore the ration depot of the petitioner.

2. Learned counsel for the petitioner has submitted that the petitioner was holding a valid licence for long period of time under the Public Distribution System Control Order, 2009 for the purpose of distributing the food grains. It was because of some complaint which was received by the respondent's officials that the physical verification was done and as per the allegations, there was an excess of 11 quintals of wheat and some amount of sugar and salt etc. as well. In this regard, a show-cause



notice was issued to the petitioner vide Annexure P-9 wherein the allegations were pertaining to 11 quintals of excessive wheat. However, when the Appellate Authority vide Annexure P-16 decided the appeal, the order was passed without giving any cogent reason and rather so observing that the petitioner was not able to account for 80 quintals, 31 kgs. and 800 grams wheat. He further submitted that it was a case where the father of the petitioner had purchased 85 quintals of wheat from a private shop, regarding which, he has also filed additional documents before this Court vide Annexures P-12, P-17 & P-18 to show that the aforesaid quantity of wheat was purchased by the father of the petitioner. He submitted that be that as it may, learned Appellate Authority could not have dismissed the appeal on the aforesaid ground of non-accountability of about 80 quintals of wheat because in the show-cause notice itself the allegations were pertaining to only 11 quintals of wheat and the order which has been passed by the Appellate Authority is totally by non-application of mind and not backed by any reason.

3. On the other hand, Mr. Nitin Kaushal, learned Addl. A.G., Haryana submitted that there is no dispute that the show-cause notice (Annexure P-9) was issued pertaining to 11 quintals of excessive wheat whereas the Appellate Authority has so observed that the petitioner was not able to account for 80 quintals (approx.) of wheat.

4. I have heard the learned counsel for the parties.

5. The show-cause notice was issued to the petitioner pertaining to 11 quintals of excessive wheat whereas one of the basic reasons for dismissal of the appeal by the Appellate Authority was pertaining to the allegation of 80 quintals of excessive wheat approximately, regarding which,

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it was so observed that no satisfactory reply was given by the petitioner. There was no other reason mentioned in the impugned order passed by learned Appellate Authority. In this way, the aforesaid ground given by the Appellate Authority was contrary to the allegations contained in the show cause notice itself. So far as the other issues are concerned, there is no reason given by the Appellate Authority in this regard. Therefore, this Court is of the considered view that it is a fit case to set aside the order passed by the learned Appellate Authority and to remand the case back to the Appellate Authority for passing a fresh order with due application of mind.

6. Consequently, the present petition is partly allowed. The impugned order dated 14.11.2022 (Annexure P-16) is hereby set aside. The Appellate Authority is now directed to pass a fresh order strictly in accordance with law and with due application of mind after hearing the petitioner or his counsel and also uninfluenced by the earlier order passed by the Appellate Authority or the present order passed by this Court. The fresh order shall be passed within a period of three months from today.

28.10.2025*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |