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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-27053-2025
Date of Decision: 26.09.2025**

Surinder Kumar

.... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Arya, Advocate
for the petitioner.

Mr. Somesh Arora, Addl. AG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226/227 of the Constitution of India praying for a writ in the nature of *certiorari* for quashing the impugned order dated 20.04.2023 (Annexure P-2) passed by respondent No.3 whereby supply of the fair price shop of the petitioner has been suspended.

2. In compliance of the order dated 11.09.2025, separate affidavits have been filed by the Principal Secretary to the Government of Punjab, Department of Food, Civil Supplies and Consumer Affairs i.e. respondent No.1 as well as by the District Controller, Food, Civil Supplies & Consumer Affairs, Jalandhar i.e. respondent No.3 in Court today, which are taken on record.

3. Learned counsel for the petitioner submitted that it is a case where the petitioner was having a licence of a depot for supply of food grains under the Punjab Targetted Public Distribution System (Licensing &

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Control) Order, 2016. He further submitted that vide Annexure P-2, an order was passed by District Controller, Food Civil Supply and Consumer Fair, Jalandhar on 20.04.2023 by which licence for supply of the fair price shop of the petitioner was suspended. He also submitted that the provision under which the suspension of the licence of depot of the petitioner can be ordered is by way of an order issued by the Government in Official Gazette (Annexure P-1) called the Punjab Targeted Public Distribution (Licensing & Control) Order, 2016 and under Clause 15 of the Order, 2016, an order of cancellation of licence can be passed after giving a reasonable opportunity to defend the case by the licence holder. However, as per the proviso, the suspension can be ordered without giving any reasonable opportunity to defend the case but for a period not exceeding a period of 90 days and that too during the pendency or in contemplation of the proceedings for cancellation of the licence of the depot holder. He further submitted that in the present case by way of the impugned order which was passed on 20.04.2023 neither any opportunity of hearing nor any show cause notice was issued to the petitioner and straightaway the aforesaid order has been passed which was not for a period of 90 days but was for an indefinite period and therefore, there was a direct violation of the aforesaid Clause 15. He submitted that not only this even when a specific order was passed by this Court while issuing notice of motion highlighting the aforesaid issue, then an affidavit was filed by the District Controller, Food, Civil Supplies & Consumer Affairs, Jalandhar, the aforesaid issue has not even been addressed and it appears that the aforesaid DFSC is not even sensitive to the aforesaid illegality being committed by him. Therefore, the aforesaid order is liable to be set aside being in violation of Clause 15 of the Punjab



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Targeted Public Distribution System (Licensing & Control) Order, 2016.

4. On the other hand, Mr. Somesh Arora, learned Addl. AG, Punjab submitted that so far as the affidavit filed by the Principal Secretary to the Government of Punjab, Department of Food, Civil Supplies and Consumer Affairs, he has specifically so stated that advisory has been issued on 27.08.2025 (Annexure R-1/2) whereby now corrective measures are being taken and not only this even regular teachings and courses are being conducted in this regard. He further submitted that so far as the affidavit submitted by the concerned DFSC, who has passed the aforesaid impugned order is concerned, it has been so stated therein that after about one year the notice was issued and now the proceedings for cancellation of the licence have been conducted. He candidly submitted that however there is nothing mentioned in the affidavit filed by the DFSC regarding the fact that prior to the passing the impugned order (Annexure P-2) any notice or any opportunity of hearing was given to the petitioner. He submitted that in this way the impugned order has been passed by ordering suspension of licence for an indefinite period which was without an opportunity of hearing and therefore, he is not able to controvert the aforesaid submission made by the learned counsel for the petitioner that the aforesaid order is not sustainable.

5 I have heard the learned counsel for the parties.

6. The Clause 15 as contained in the Punjab Targeted Public Distribution System (Licensing & Control) Order, 2016 is reproduced as under:-

“15. Cancellation or suspension of licence-

- 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 District Magistrate 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 cancellation 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."*

7. The impugned order dated 20.04.2023 (Annexure P-2) is also reproduced as under-

ORDER

Vigilance Department Jalandhar, Range Patti had registered an FIR No. 21 dated 28.09.2021 u/s 109,420,148,149 & u/s 120-B IPC against Depot Holder Surinder Kumar PDS License No. J/R/335 Village Mehrajwala Kendra Lohian. In this way, the agreement made by the Depot Holder with the Government and instruction issued by the Government under Punjab Public Distribution System Control Order 2016 and



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Punjab Targeted Public Distribution System Licensing Control Order 2023 have been violated.

Keeping in view of the public interest, I Narinder Singh District Control, Food Civil Supply and Consumer Fair, Jalandhar by exercising power vested with me under Punjab Public distribution System Control Order 2016 and Punjab Targeted Public Distribution System Licensing Control Order 2023, I hereby suspended the supply of the fair price of Depot Holder Surinder Kumar PDS License No. J/R/335 Village Mehrajwala Kendra Lohian till further order.

This order will come into effect immediately.

*Sd/- Narinder Singh
District Controller
Food Civil Supply and
Consumer Fair, Jalandhar*

Enst. No.1765

Dated: 20.04.2023”

8. As per the aforesaid Clause 15 wherever an order of suspension is to be passed an opportunity of hearing has to be given subject to the proviso, which provides an exception that in case no opportunity of hearing is given prior to the passing of order then maximum period of suspension can be 90 days, whereas admittedly in the present case the order has been passed on 20.04.2023 which is about 2½ years ago for an indefinite period without giving any notice or opportunity of hearing. Therefore, *ex-facie* the impugned order cannot be sustained and is liable to be set aside.

9. This Court after perusing the affidavit filed by the Principal Secretary is satisfied to the extent that now an advisory has been issued by him to his subordinate officers and as per learned State Counsel training is also being imparted. However, so far as the affidavit filed by the DFSC is



concerned, this Court would take an exception to the same. When notice of motion was issued the following order was passed:-

“Learned counsel for the petitioner submitted that the petitioner is a ration depot licence holder and his supplies have been suspended vide impugned order dated 20.04.2023 (Annexure P-2) passed by the District Controller, Food Civil Supplies and Consumer Affairs, Jalandhar for an indefinite period, which is not permissible under the law. He further submitted that the aforesaid order was passed without issuing any notice or affording an opportunity of hearing to the petitioner and in this way, the supplies have remained suspended for about 2½ years. He referred to Annexure P-3 and Annexure P-4, whereby rather the senior officer i.e. the Additional Director, Department of Food, Civil Supply and Consumer Affairs had directed the District Controller, Food Civil Supplies and Consumer Affairs, Jalandhar to decide the matter on merits but no action has been taken in this regard till date.

Notice of motion.

Mr. Amit Kumar Goyal, Addl. A.G, Punjab, accepts notice on behalf of the respondents-State and has prayed for some time to seek instructions and file reply in the present case.

It is very surprising that the supplies of ration depot have been suspended about 2½ years ago for an indefinite period and on a query being raised to the learned State counsel as to under which provision of law the same was done for an unlimited period without issuing notice, to which he submitted that he may be granted some time to seek instructions.

Let an affidavit be filed in the present case not only by the concerned officer, who passed the aforesaid impugned order dated 20.04.2023 (Annexure P-2) but



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also by the Principal Secretary, Government of Punjab, Department of Food, Civil Supply and Consumer Affairs, Punjab, in view of the fact that this Court has already taken a very serious view in a number of cases, one of which has been attached along with the present petition as Annexure P-5.

Adjourned to 26.09.2025.”

10. The prime ground of the petitioner was that prior to the passing of the impugned order (Annexure P-2) no notice was issued and therefore, maximum of 90 days could have been provided in suspension order, whereas it was for an indefinite period. Still nothing finds mention in the affidavit filed by the DFSC, who passed the impugned order. It appears that the DFSC is not even sensitive to the issue involved in the present case.

11. In view of the aforesaid facts and circumstances, the present petition is allowed. The impugned order dated 20.04.2023 (Annexure P-2) is hereby set aside. The petitioner shall be entitled for the costs which are assessed as ₹20,000/- (Rupees Twenty Thousand Only) that shall be paid by the officer, who passed the impugned order to the petitioner by way of a demand draft in his name within a period of three months from today.

26.09.2025

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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