



2025:DHC:113



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

Date of Decision: 08.01.2025

+ **W.P.(C) 13745/2019 & CM APPL. 55365/2019**

SMT. NEELAM GAUR

.....Petitioner

Through: **Mr. Sandeep Garg and Mr. Shobhit Gupta, Advocates.**

versus

THE GOVERNMENT OF N.C.T. OF DELHI AND ORS.

.....Respondents

Through: **Mr. Sameer Vashisht, Standing Counsel with Ms. Harshita Nathrani, Advocate for R-1 to 3.**

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed *inter alia* seeking the following reliefs:

“a. Issue a writ, order and/or direction in the nature of mandamus and/or any other appropriate writ, order and/or direction in the like nature, whereby setting aside the Cancellation Order dt. 21.08.2018, bearing no. F. AC(NE)/F&S/FPS-5826/C-67/2018/479, passed by respondent no. 3 cancelling the license no. FPS-5826 under Circle- 67 issued in the name of M/s Gaur Store, proprietorship of petitioner;

b. Issue a writ, order and/or direction in the nature of mandamus and/or any other appropriate writ, order and/or direction in the like nature, thereby setting aside the order dt. 27.06.2019 passed by respondent no. 2 in Appeal No. 13 of 2018 whereby the respondent no. 2 was pleased to dismiss the appeal filed by petitioner;

c. Issue a writ, order and/or direction in the nature of mandamus



and/or any other appropriate writ, order and/or direction in the like nature, whereby directions may be issued to respondent nos. 2 to immediately restore the license of petitioner bearing license no. FPS-5826 under Circle- 67, after setting aside the Cancellation Order dt. 21.08.2018 passed by respondent no. 3;

d. Issue any other appropriate writ, order and/or direction in the like nature which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case in favour of petitioner and against the respondents, in the interest of justice."

2. Learned Counsel for the Petitioner states that the Petitioner is a widowed lady and a senior citizen and that she was running a fair price shop. However, pursuant to an inspection carried out on 17.05.2018 by Respondent No. 3, the Petitioner first received a suspension-cum-show cause notice on 08.06.2018, and thereafter, a cancellation letter was issued dated 21.08.2018 from the office of Respondent No.3 whereby the license of the Petitioner was cancelled with immediate effect.
3. The Petitioner being aggrieved with the cancellation, filed an Appeal before the Appellate Authority. By an order dated 27.06.2019, the Appeal was decided against the Petitioner. This led to the filing of the present Petition.
4. Learned Counsel for the Petitioner submits that the Petitioner was not given an opportunity to file a Reply. He further submits that the order dated 27.06.2019 is not a detailed and speaking order. Thus, it is contended that the impugned cancellation has not been passed in accordance with law.
5. Learned Counsel for the Respondents on the other hand controverts the contentions. He submits that the proper documents with respect to the additional Specified Food Articles (SFA) were not provided, hence the Order dated 21.08.2018 was passed. However, it is not denied that the



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Petitioner was not given an opportunity to be heard prior to the issue of the Impugned Order.

6. Learned Counsel for the Petitioner, at this stage, on instructions submits that the Petitioner will be in a position to provide any and all necessary clarification before the Respondent No.3/Authority, if given an opportunity to do so even today.

7. In view of the foregoing, this Court deems it appropriate to direct the Petitioner to appear before the Respondent No.3/Authority with all relevant documents. The concerned Authority shall examine the documents so submitted and pass a speaking order within a period of three months from today. The Petitioner shall also be given an opportunity to be heard either in person or through Counsel.

7.1 Respondent No.3/Authority shall ensure that all documents provided to them in the past shall also be taken into consideration while examining the matter afresh.

8. Accordingly, the Impugned Order is set aside for a *de novo* hearing in terms of the directions passed herein above.

9. It is clarified that this Court has not examined the matter on merits. All rights and contentions of both the parties are left open in this regard.

10. The Petition is disposed of in the foregoing terms. All pending Applications stand closed.

11. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 8, 2025/pa

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