

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

2026:PHHC:009633



(204)

CWP-12210-2022

Date of Decision: 22.01.2026

Sanjay Kumar

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI.

Present:- Mr. Rakesh Bakshi, Advocate for petitioner.

Mr. Udit Garg, Addl. A.G., Haryana.

Mr. Sandeep Saini, Advocate for respondent no.6.

JASGURPREET SINGH PURI.J (Oral)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India seeking quashing of impugned order dated 27.04.2022 (Annexure P-13), passed by respondent no.2, vide which the appeal filed by the respondent no.6 has been accepted and order dated 10.03.2021 (Annexure P-12) passed by respondent no.3, has been set aside.

2. Learned counsel appearing on behalf of the petitioner submitted that on the basis of the complaint of the petitioner, the license of respondent no.6 was cancelled vide order dated 10.03.2021 (Annexure P-12) on the ground that respondent no.6 had changed the place of running of the shop without informing the department and had misled the department by not staying at the house where the residence address was given. When the aforesaid order was assailed by respondent no.6 by filing an appeal before the learned Deputy Commissioner, Yamuna Nagar, who allowed the appeal vide order dated 27.04.2022 (Annexure P-13) and set aside the order passed

by the District Food, Civil Supplies & Consumer Affairs Controller. He submitted that it was a case where the complainant had made various complaints to the authorities that respondent no.6 had submitted false and fabricated documents pertaining to her place of residence but still the cancellation order which was passed by District Food, Civil Supplies & Consumer Affairs Controller, has been set aside by Appellate Authority and therefore, the impugned order passed by learned Appellate Authority is liable to be set aside.

3. On the other hand, learned State counsel as well as learned counsel appearing on behalf of respondent no.6 have submitted that the licence of the petitioner has been cancelled on the ground of violation of the terms and conditions of the contract which is apparent from the order vide which the licence has been cancelled and the order passed by learned Appellate Authority.

4. Learned State counsel as well as learned counsel appearing on behalf of respondent no.6 submitted that the cancellation of the aforesaid depot of respondent no.6 was only on the sole ground that respondent no.6 had not informed the change of the place of the shop and had allegedly misled the authorities, whereas the aforesaid was against the record because learned Appellate Authority has rather on the basis of the record specifically observed that rather permission was granted by the department to the respondent no.6 and therefore that itself could not have become a ground for cancellation of the depot and therefore, the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have gone through the records.

6. The issued involved in the present case is as to whether learned Appellate Authority i.e. the Deputy Commissioner, Yamuna Nagar has rightly set aside the order passed by the District Food, Civil Supplies & Consumer Affairs Controller or not. A perusal of the order dated 10.03.2021 (Annexure P-12), passed by the learned District Food, Civil Supplies & Consumer Affairs Controller, would show that the ground on the basis of which the depot of respondent no.6 was cancelled, was that respondent no.6 was running depot at some other place, instead of running it at the shop which was taken on rent for doing depots business, without informing the department and has misled the department by not staying at the house where the residence address was given. The relevant portion of the aforesaid order reads as under:-

“The report of Assistant Food, Civil Supplies and Consumer Affairs Officer Jagadhri and the depot holder is running Depot at some other place, instead of running it at the shop which was taken on rent for doing depots business, without informing the department, and she has misled the department by not staying at the house where the residence address was given.”

7. When the appeal was filed by respondent no.6 before the learned Appellate Authority, the learned Appellate Authority vide impugned order dated 27.04.2022, allowed the appeal and set aside the order by rather specifically observing that respondent no.6 was granted permission by the department itself vide memo no.I.D.-2021/816 dated 11.02.2021 for changing the work place of the depot, which was prior to the date of personal hearing of the appellant i.e. 26.02.2021 and the date of passing of the orders under appeal. Rather the District Food, Civil Supplies & Consumer Affairs Controller did not consider the letter issued by his own

office before passing the orders under appeal and therefore, the orders under appeal were erroneous and were set aside. The relevant portion of the order passed by the learned Appellate Authority is reproduced hereunder:-

“After carefully hearing both the parties and observing the record available on file, this Court has come to the conclusion that depot of the appellant situated in Ward No.16, Yamuna Nagar has been cancelled by the respondent No.1 after conducting the enquiry of the complaint filed by the respondent No.4 against the appellant from the respondent No.3 while finding violation of the Public Distribution System (License and Control) Act 2009 by her that she has changed the shop and place of residence without taking the permission of the department and due to not clarifying her situation during the personal hearing, whereas, permission has been granted by the department to the appellant vide memo No.I.D.-2021/816 dated 11.02.2021 for changing the work place of the depot, which is, prior to the date of personal hearing of the appellant i.e. 26.02.2021 and the date of the passing of orders under appeal. Thus, the respondents No.1 did not consider the letter issued by his own office before passing the orders under appeal. Therefore, the orders under appeal become erroneous, which will be justified to be set aside.”

8. A perusal of the aforesaid order would show that the only reason for the cancellation of the license of respondent no.6 was with regard to change of place and this was rather against the record as so observed by learned Appellate Authority by referring to the memo number which was prior to the date of personal hearing given to the respondent no.6 and since it was against the record, it was so held that it was erroneous and on this ground, the appeal was allowed.

9. So far as the argument raised by learned counsel for the petitioner that there were allegations pertaining to forgery and fraud with

regard to the documents supplied by the respondent no.6, the same never constituted a ground for cancellation of the license and therefore the same cannot be gone into by this Court, at this stage. This Court, therefore, finds no infirmity or illegality in the orders passed by the learned Appellate Authority and the petition being devoid of merit, is, therefore, dismissed.

10. The petition is, accordingly, dismissed.

11. Interim order dated 31.05.2022 stands vacated.

12. All the pending misc. application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

22.01.2026

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No