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

+ **W.P.(C) 4465/2021 and CM APPL. 50374/2025**

M/S MANOJ KUMAR MISHRA

.....Petitioner

Through: Mr. Counsel (appearance not given).

versus

GOVT. OF NCT OF DELHI AND ORS

.....Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) / GNCTD, Mr. Siddharth
Arora, Adv.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **28.04.2026**

1. The petition is for the following reliefs:

- i. To quash the impugned suspension order dated 05.04.2021 passed by Respondent no. 3*
- ii. To quash the impugned cancellation of permanent shifting order dated 06.03.2021.*
- iii. Writ of Mandamus be issued directing the respondent no.2 and 3 to stay the implementation of the impugned suspension order dated 05.04.2021 as well as impugned order dated 06.03.2021 passed by Respondent no.3 respectively; AND*
- iv. Respondent no. 2 and 3 be directed to restore the FPS License no. 7227, allotted to M/S Manoj Kumar Misha FPS No. 7227 and allow the petitioner to run the said FPS;*
- v. Any other appropriate direction or order may also be passed in favor of the petitioner herein.*

2. The petitioner is one Mr. Manoj Kumar Mishra running a Fair Price Shop. Respondents are the Government departments.

3. The petition assails the suspension order dated 05.04.2021 (hereinafter "**Impugned Suspension Order**") and shifting order dated



06.03.2021 (hereinafter “**Impugned Shifting Order**”) passed by respondent no. 3 – Asstt. Commissioner.

4. The facts of the case would indicate that the petitioner has been running Fair Price Shop since 1987. On 05.10.2020, the petitioner applied for permanent shifting of the Fair Price Shop from 5/51, Khichripur Market, Delhi-110091 to 4/51, Khichripur, Delhi-11009. *Vide* order dated 23.01.2021 the application for shifting of Fair Price Shop was allowed by respondent no. 3 – Asstt. Commissioner with approval of respondent no. 2 – Commissioner. Pursuant to the said approval, the petitioner started functioning from the said premises.

5. Thereafter, *vide* impugned shifting order, respondent no. 3 cancelled the earlier permission for permanent shifting and directed the petitioner to arrange alternate premises. Subsequently *vide* impugned suspension order, the respondent no.3 – Asstt. Commissioner, suspended the license for the Fair Price Shop.

6. It is the case of the petitioner that, he thereafter, proposed alternate premises including at D67/1, Gali No-4, East Vinod Nagar, Delhi and subsequently at 52-A, Gali No.1, Village Khichripur, Delhi.

7. The grievance of the petitioner pertains to the cancellation of the shifting permission and consequent suspension of the Fair Price Shop licence *vide* order dated 05.04.2021, allegedly without affording any opportunity of hearing and despite submission of alternate premises.

8. The material portion of the impugned suspension order is extracted as under:

“And whereas the licensee proposed another premises at D.67/1, Gate No. 4, East Vinod Nagar, Delhi which was



approved by the Competent Authority but instead of shifting the premises to approved location, the licensee has proposed another premises at 52-A, Gali No.1 village Khirchriur. The said premises cannot cater to the beneficiaries arrange.”

9. A bare perusal of the aforesaid would indicate that on petitioner’s proposal, premises at D67/1, Gali No-4, East Vinod Nagar, Delhi, was approved however, instead of shifting the premises to approved location, the petitioner had shifted the shop to another premises at 52-A, Gali No.1, Village Khichripur, Delhi. According to the respondents, the said alternate premises was found to be unsuitable and incapable of adequately catering to the beneficiaries attached to the Fair Price Shop.

10. Therefore, by way of the impugned orders, the petitioner’s Fair Price Shop was placed under suspension and notice for cancellation was issued. The impugned orders came to be stayed by this Court *vide* order dated 09.04.2021. The relevant portion of the interim order is extracted as under:

“Considering the submission made, there shall be a stay on the Impugned Correspondence dated 05.04.2021 to the extent that it suspends the license of the petitioner till the next date of hearing.”

11. It appears that after the year 2021, there have been substantial developments in terms of public distribution scheme. There also appears to have been a change in the applicable policies, and at present, the issue relating to shifting of the location from its existing place to another location may require reconsideration by the department in light of the prevailing framework.

12. If the petitioner, by virtue of the interim order, has continued to operate from the present location and there is no violation of any of the



applicable terms and conditions, the impugned suspension order, at this stage, may not warrant enforcement. Instead, liberty is granted to the respondents to consider the entire facts and circumstances of the case and to take a fresh decision, if so advised.

13. With these observations, the impugned order stands set aside. All rights and contentions are left open.

14. Accordingly, the petition with all pending applications stands disposed of.

PURUSHAINdra KUMAR KAURAV, J

APRIL 28, 2026/SH/ss