

OFFICE OF THE ASSISTANT COMMISSIONER (CENTRAL)  
FOOD & SUPPLIES DEPARTMENT, M-BLOCK,  
VIKAS BHAWAN, IP ESTATE, NEW DELHI 110002.

NO.F.AC/Central/7320/2014/ 1965-70

Dated: 05/5/14

ORDER

Whereas Public Distribution System is regulated under Essential Commodities Act, 1955(10 of 1955).

And whereas the licence of FPS/KOD is regulated under clause 6&7 of Delhi Specific Article (R&D), Order, 1981.

And whereas the FPS holder is bound to regulate the FPS as per terms and conditions laid down in the said Act and the orders and various orders issued by the Competent Authority under the said Act and said orders.

And whereas a team consisting of Inspector and FSO, Circle-19, Food & Supply Department, GNCT of Delhi visited the business premises of FPS No.7320-M/s.Shiv Khadya Bhandar functioning at 52/60 E, Gali No.18 Anand Parbat, Delhi on 1/2/2014 at 6.16 PM and found closed. Later it got opened through FPS holder. Following discrepancies were found:-

1. The Shop was found closed at the time of visit at 6.15 PM.
2. Stock of wheat was found short by 100 Qls, 73 kg.
3. Stock of Rice was found short by 16 kg.
4. The copy of the authorization of FPS No.7320 was found not displayed at the prominent place of the business premises.
5. Number and Name of the FPS was found not displayed at the prominent place of the business premises.
6. Notice Board was found not displayed at the prominent place of business.
7. Stock Board was not displayed at the prominent place of the FPS.
8. Date is not mentioned on issue cash memos of the FPS to card holders.
9. Date of issue of SFAs to the card holders is not mentioned on the said register of the FPS.

And whereas by committing the above discrepancies the licence of the FPS violated the provisions of Delhi Specified Articles (Regulation of Distribution), Control Order, 1981 and Public Distribution System (Control) Order, 2001 and guidelines issued from time to time.

Since the irregularities were serious in nature, it was considered expedient and necessary to place the authorization of the said FPS under suspension. Therefore, in exercise of power conferred upon under clause 4(1) provisions of Delhi Specified Articles (Regulation of Distribution) Control order, 1981, the authorization of FPS No.7320-M/s Shiv Khadya Bhandar functioning at 52/60 E Gali No. 18, Anand Parbat, Delhi placed under suspension and the authorization of said FPS was issued Suspension Order-cum-Show Cause Notice No.AC(c)/F&S/2014/1422-28 dated 5/2/2014.

And whereas the Licensee/dealer appeared on the give date and time and submitted his written reply to the said Suspension Order-cum-Show Cause Notice. The undersigned after due consideration of Suspension Order-cum-Show Cause Notice dated 5/2/2014 based upon the Inspection report dated 1/2/2014 and 3/2/2014 and entry cum recovery cum counting cum weight & measurement memo and the reply filed thereby authorization holder of FPS No.7320-M/s Shiv Khadya Bhandar, it is noted that charges made by the Inspecting team are serious in nature and recognising the fact that as this is departmental proceedings and no criminal trial, whereby the standard of proof is not that of beyond reasonable doubt but only of preponderance of probability. It is noted that the arguments and documentary evidence submitted by M/s.Shiv Khadya Bhandar in their reply to this Suspension Order-cum-Show Cause does not convincingly substantiate the claim made therein. The Inspecting team made the following important charges against the said licence that:-

- i) There was a diversion of more than 100 Qtl. Of wheat.
- ii) That the Shop was found closed during duty hours.

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iii) That the record keeping was not up to mark.

The reply submitted by the authorization holder submit that as per their sale register, a certified copy of which was obtained from PS-Anand Parbat on the directions of Hon'ble High Court of Delhi dated 28-4-2014 in W.P.(C) 1176/2014 and CM Appls.2462-2463/2013-M/s.Shiv Khadya Bandar Vs.Govt. of NCT of Delhi and Others. The Sale Register shows a sale to approximately 500 food card holders/beneficiaries with total volume amounting to that of the alleged amount of diversion.

And that whereas, the Inspecting team did not considered additional Cash memos. Other than the four cash memos enumerating about 117 sale transaction. It is noted that the statement of the FPS Licence/Salesman does not mention any additional cash memo of which was countersigned by the licence himself. Further, it is not convincing that about 500 sale transactions were completed in the course of a single day. It is also noted that the seized cash memos did not specify the date of sale and that the arguments forwarded that because of heavy rush of customer entry of date could not made is also not convincing as much more detailed entry in the sales register is shown, this given an impression that the extra cash memos can be a work of afterthought.

It is also noted that in absence of any record of the state of seized documents before being handed over to the Police for conducting a criminal investigation, the department cannot reject the entries made in the sales register.

And whereas, looking at these observations and the probable inferences draw thereof, it may be opined that a case of diversion of SFAs is made out against the FPS holder though not of the same magnitude as alleged by the Inspecting team. Hence I am of the opinion that the suspended licence of FPS No.7320-M/s.Shiv Khadya Bhandar functioning at 52/60 E, Gali No.18 Anand Parbat, Delhi of FPS No.7320-M/s.Shiv Khadya Bhandar functioning at 52/60 E, Gali No.18 Anand Parbat, Delhi of FPS No.7320-M/s.Shiv Khadya Bhandar functioning at 52/60 E, Gali No.18 Anand Parbat, Delhi should be cancelled and the security deposit be forfeited therewith.

Since the above irregularities are serious in nature, it is considered expedient and necessary to cancel the authorization of FPS No.7320-M/s.Shiv Khadya Bhandar functioning at 52/60 E,Gali No.18 Anand Parbat, Delhi and the security deposit be forfeited. Therefore, I Dr. Vikram Singhal, Asstt.Commissioner (Central), District Central, Food & Supplies Department, Govt. Of NCT, Delhi in exercise of powers conferred upon me under the provisions of Delhi Specified Articles (Regulation of Distribution) Order, 1981 hereby cancel the authorization of FPS No.7320-M/s.Shiv Khadya Bhandar functioning at 52/60 E, Gali No.18 Anand Parbat, and Delhi with immediate effect. The order is appealable before the Additional Commissioner.

This order is without pre-judice to the final out of criminal proceeding pending in FIR No.43/2014-State Vs. M/s.Shiv Khadhya Bandar.

(DR. VIKRAM SINGHAL)  
ASSISTANT COMMISSIONER (CENTRAL)

NO.F.AC/Central/7320/2014/ 1965 70

Dated: 05/5/14

Copy forwarded to the following for information and necessary action:-

1. PS to Commissioner, Food & Supplies, Govt. Of NCT, Delhi.
2. PA to Addl.Commissioner (Central), F&S, Delhi.
3. M/s.Shiv Khadya Bhandar 52/60 E, Gali No.18 Anand Parbat, Delhi.
4. FSO, Circle-19(Sadar Bazar).
5. AC (Distribution/Vigilance), F&S Department.
6. Sr.General Manager, DSCSC Ltd. Aapoorti Bhawan, Aram Bagh, New Delhi.
7. System Analyst with the direction to upload the order in the website of the department.
8. Licence file/Stand Gard file.

(DR. VIKRAM SINGHAL)  
ASSISTANT COMMISSIONER (CENTRAL)