

OFFICE OF THE ASSISTANT COMMISSIONER (NORTH-EAST)
FOOD SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT
D.C. OFFICE COMPLEX NAND NAGRI DELHI-110093

No.F.AC (NE)/F&S/C-65/6837/2021/ 1087-1094

Dated: 25/10/21

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 & Public Distribution System (Control) Order, 2001.

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

And whereas, since then as reported by FSO & FSI Circle-65 a telephonic communication was received from Police Station Jafrabad, Delhi on 03.04.2020 at 10:30 AM, wherein it was informed that the Police received a complaint against FPS No. 6837 situated at C-567 Chauhan Banger Gali No. 17 Seelampur, Sh. Sushil Singh, SI Delhi Police also informed on telephone that the shop was reportedly closed at the time of seizure of 04 bags i.e in the night of 02.04.2020 and neither licensee nor salesman was available at the spot and though the bags were not weighed but they contained rice and the same were placed in Police Station, Jafrabad, Delhi.

And whereas, as per complaint from Police Station Jafrabad, an inspecting team consisting of Sh. Anil Grover, FSO, Circle-65 and Sh. Devender Goyat, FSI Circle-65 Visited the FPS No. 6837 M/s Dhanno Devi at 1:30 PM on 03.04.2020

And whereas, the inspection team carried out the inspection of the said FPS 6837 M/s Dhanno Devi following discrepancies were found:-

1. No cash memo was produced
2. No display of details of cards.
3. Paging of stock and sales register was not verified by circle FSO.
4. No opening closing time and weekly closing time was displayed.
5. Information board not filled.
6. There was cutting and over writing in the stock register and sales register. Loose pages were also given of sales register with no proper documentation.
7. Wheat - 7.50 Qtl(Excess), Rice - 0.57 Qtl(Short).

Net Variation of SFA 7.50+0.57= 8.07 Qtl.

And whereas by committing the above irregularities the licensee has clearly violated the terms and conditions & relevant provisions of the Delhi Specified Food Articles (Regulation and Distribution) Control Order 1981 and the Public Distribution System (Control Order), 2001 issued u/s 3 of E.C. Act, 1955 punishable u/s 7 of the same Act.

Pl. upload the order.

Manish

Yuzi
25/10/21

05/SSA/IT
25/10/21

Whereas the above irregularities are serious in nature, therefore, the authorization/license of M/s Dhanno Devi, , FPS No. 6837 was suspended by the then AC(North East) vide Order No.F.AC(NE)/F&S/FPS.NO.6837/C-65/2020/11-18 dated 16.04.2020 and also directed the FPS holder to show cause in writing by appearing before the undersigned either in person or through authorised representative on 20.04.2020 at 04.00 PM to explain as to why the license under reference should not be cancelled with forfeiture the entire security amount deposited to the state.

And whereas Licensee, Sh. Rishipal of FPS 6837 M/s Dhanno Devi appeared before the then AC (North-East) and asked for more time to file the reply submitting Medical OPD slip copy. Hearing was adjourned to 25.04.2020.

And whereas, on 25.04.2020 sh. Rishipal appeared at 5:45 PM while he was asked to appear at 4 PM. He requested copy of certain documents. For that he was informed to come on 28.04.2020 for the documents.

And whereas, on request of Sh. Rishipal, M/s Dhanno Store, FPS No. 6837 was provided the copy of documents like stock register, sales register, loose register and stock variation sheet etc. As desired by him, which is on record. And hearing was scheduled for 01.05.2020. and on 01.05.2020 sh. Rishipal sought some more time to file the reply again due to COVID-19.

And whereas, vide letter dt. 23.05.2020 Sh. Rishipal Gautam,. Prop. FPS No. 6837 M/s Dhanno Devi, Circle-65 submitted a reply and found unsatisfactory, hence not considered.

And whereas, the irregularities founded by the circle FSO and FSI during the visit, are the clear violation of Delhi specified food articles (Regulation & Distribution) order 1981 & TPDS control order 2015 and the department's guidelines.

Whereas the above irregularities are serious in nature, therefore, the authorization/license of M/s Dhanno Devi, , FPS No. 6837 was cancelled by the then AC(North East) vide Order No.F.AC(NE)/F&S/FPS.NO.6837/C-65/2020/247-79 dated 08.04.2020 with immediate effect and forfeiture the entire security amount deposited to the state.

And whereas, in response to cancellation order dated 08.07.2020 issued by the then AC(NE), licensee filed an appeal before the worthy CFS (Food & Supply).

And, In the matter of Appeal No. 10/2020 filed by Shri Rishi Pal; Prop M/s Dhanno Devi FPS 6837, Circle-65(Seelampur), the case was called and heard at length. After hearing contentions of both the parties, examining written/verbal submissions and perusing other relevant record placed before Worthy Commissioner(Food & Supply)/Appellate Authority, it appears that the documents and clarifications submitted by the appellant requires further examination by the licensing authority before arriving at any conclusion.

Therefore, keeping in view of principle of nature justice, fair and impartial adjudication, the case is remanded back to Assistant commissioner(NE)/Licensing Authority vide order no. 51-54 dated 24.05.2021 with the direction to afford one more opportunity of hearing to the petitioner and decide the matter afresh on merits, after due consideration of facts, circumstances and examining new documents adduced by the appellant in the case.

Further, Licensee of FPS 6837, Circle-65(Seelampur), sh. Rishi Pal has appeared before undersigned and adduced a statement showing how repetitive entries in r/o wheat have resulted in calculation of stock as excess. It also states that the 1.5 times entitlement of Rice for the month of April 2020 has not been reflected in the sale register and only units are indicated.

lifting on e-pos , which is now adopted method of distribution, has been done in r/o 100 percent cards attached to 4 FPSs since has been made. All except 4 cardholders have lifted ration. The 4 in question have since shifted residence as ascertained in the field report.

The cuttings, overwriting in records cannot be neglected, but due regard to circumstances and further enquiry as discussed above conducted in terms of remanded back order, is now allowed and FPS license is now restored. A warning is issued to licensee/FPS holder of FPS 6837 M/s Dhanno Devi under Circle-65(Seelam pur) to exercise caution in record maintenance as in vogue after the introduction of e-pos.

Therefore, I, Rajesh Ahuja, Asstt. Commissioner (NE) Distt. Food & Supplies Department, Delhi Govt. revoke the FPS licence No. 6837, M/s Dhanno Devi immediately and also direct to submit the new FDR in favour of Commissioner, Food Supply & Consumer Affairs, Delhi within 07 days from the date of receipt of this order failing which the necessary action to cancel the license would be instituted without any further notice in this regard. A warning is issued to FPS to be more careful in future. Record keeping is since automated on e-pos, Licensee is directed to ensure proper distribution of Foodgrains and take note that any further complaint regarding distribution of entitled foodgrains shall attract strict action.



(RAJESH AHUJA)
ASSTT.COMMISSIONER (NORTH-EAST)

No.F.AC (NE)/F&S/C-65/6837/2021/ 1087-1094

Dated: 25/10/21

Copy to:-

1. PS to CFS , Food & Supplies Deptt, Delhi
2. PA to Addl. Commissioner (North-East), Food & Supplies Deptt.
3. FSO-Circle-65(Seelam pur) with direction to linking/delinking of cards of said FPS as per guidelines.
4. M/s Dhanno Devi, FPS No.6837 through FSO-Circle-65(Seelam pur)
5. Distribution Branch(HQ)
6. SSA IT (Branch HQ)
7. DDO(NE)
8. Guard File



(RAJESH AHUJA)
ASSTT.COMMISSIONER (NORTH-EAST)