

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 106/2016
Jwala Prasad Singh
Vrs.
The State of Bihar
ORDER

The instant revision petition is directed against the impugned order passed by D.M. Saran in Supply Appeal No. 39 of 2012 on 11.02.2016.

The brief facts of the case are that the petitioner Jwala Prasad Singh R/o Gram Panchayat Lauwakala, Block-Baniyapur, Dist-Saran was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected by a District Level Inspecting Team constituted by D.M. Saran on 15.11.2011. In course of inspection following irregularities were found like; the shop was found closed at 1.00 P.M. and the dealer was away at Chapra without any prior notice, some consumers attached with the PDS shop of the petitioner alleged before the inspecting team that the dealer used to distribute k.oil at the interval of three months and two months coupons are snatched together and the k.oil was distributed at the rate of 18 rupees per litre. Thereafter, a show cause notice was issued by SDO, Chapra Sadar to the petitioner for the aforementioned irregularities found during inspection. In compliance to the said show cause notice the petitioner submitted his show cause reply but the licencing authority, the SDO, Chapra Sadar on findings that the said show cause reply to be unsatisfactory, he cancelled the PDS licence of the petitioner vide order contained in memo No. 334 dt. 03.03.2012. Feeling aggrieved by the said order, the preferred an appeal case vide Supply Appeal No. 39/2012 before D.M. Saran. The learned D.M. after hearing the case finally vide order dt. 11.02.2016 dismissed the said appeal case. This led to coming of this case before this Court in revisional jurisdiction of this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner submitted that the order of cancellation of licence passed by the learned SDO, Chapra Sadar as well as learned D.M. Saran is based upon mis-appreciation of facts and law and the same are liable to be set aside. He further submitted that both the authority failed to appreciate the show cause reply filed by the petitioner. He also argued that the learned lower Court has completely failed to understand the fact that none of the consumers of the petitioner have ever made any complaint against the petitioner. He further submitted that the learned lower Court has failed to appreciate the fact that the person who alleged against the petitioner was inimical to the petitioner as such their statement should not have been taken into consideration. He also drew the attention towards the settled law as well as decision of Hon'ble High Court that closure of shop is no ground for cancellation of licence. He lastly submitted that as the impugned order is erroneous, the same is fit to be set aside.

The learned Spl. P.P. on the other hand, supported the impugned order by saying that the same is reasoned, cogent and valid and having no illegality. He further said that the instant revision petition having no merit is fit to be dismissed.


Considering the facts and circumstances of the case, material available on records, pleadings advanced by the learned counsel for the parties and on perusal of the impugned order, it appears that the petitioner's licence has been cancelled for serious charges

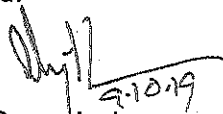
like non distribution of food grains regularly and in prescribed quantity and rate to the consumers attached with his PDS shop as well as for closure of shop on the day of inspection without any prior notice. Obviously, these are serious irregularities on the part of the petitioner because he deprived the poor people from their right of getting subsidized grains through PDS. The contention of the petitioner is that the persons alleged to have stated about the irregularities at the time of inspection were inimical to the dealer. I do not find much substance in the said contention of the petitioner in view of the fact that such pleas are taken as an after thought ploy to defend himself from the alleged charges. It is seen that the learned D.M. in his detailed order has discussed each and every aspects of the case appropriately before arriving at the final findings of fact that the petitioner has violated the terms and conditions of PDS licence. The learned counsel for the petitioner has failed to point out any specific illegality in the said order so as to enable this Court to make any interference in the said order.

For the reasons stated above, the impugned order is upheld.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.