

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 108/2017
Chandrika Ram
Vrs.
The State of Bihar
ORDER

The instant revision application is directed against the impugned order passed by D.M. Siwan in Supply Appeal No. 114/2016-17 on 31.05.2017.

The brief facts of the case are that the petitioner Chandrika Ram S/o Late Ram Baraie Ram R/o Vill-Karom, P.S.-Darauli, Dist-Siwan was a PDS dealer having licence No. 337/07. Further case is that pursuant to a complaint by some consumers, the shop of the petitioner was jointly inspected on 09.09.2016 by B.D.O. Darauli and BSO, Darauli. Thereafter a report was submitted to SDO, Siwan Sadar who in turn vide memo No. 425 dt. 15.09.2016 asked show cause from the petitioner for the irregularities reportedly by found during inspection and the irregularities are as follows: stock and distribution registers were not found upto date, about 28-30 consumers gave in writing that the dealer after distributing the food grains for the month of July-16 he entered in their ration cards for the month of July and August 2016, regarding distribution of k.oil for the month of August-16 also entered to have distributed the k.oil for the month of September 2016 in their ration cards and they also alleged that cash memos were not given to them. In compliance to the said show cause notice, the petitioner filed his show cause reply refuting all the alleged charges levelled against him but the learned SDO on finding that the petitioner was guilty for violating the terms and conditions of PDS, licence he cancelled the said licence vide order contained in memo No. 573 dt. 07.10.2016. Feeling aggrieved by the said order, the petitioner preferred an appeal vide Supply Appeal No. 114/2016-17 before D.M. Siwan and the same was rejected vide order dt. 31.05.2017. On being aggrieved by the said order, the petitioner has preferred the instant revision petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner at the very outset of his argument submitted that the same is arbitrary and against the weight of evidence on record. He further submitted that the learned lower Court wrongly held that the allegation against the petitioner were of grave nature and the petitioner has not given logical evidence in his favour. He also argued that the allegation regarding wrong entry in the ration cards of distribution of food grains and k.oil were totally wrong allegations and the learned lower Court wrongly held the same to be wrong. He also submitted that the learned lower Court ought to have held that the allegations made against the petitioner were made due to political enmity as several members of the same family made their statement regarding the same allegations. The learned counsel further submitted that the learned Court below ought to have held that the late distribution of food grains and k.oil were done mainly due to late lifting of the same. The learned counsel further submitted that through the petitioner had filed a detailed show cause reply refuting all the alleged charges and also filed copies of various documents in support thereof but the learned SDO, failed to consider the same and he wrongly held the petitioner to be guilty for violating the terms and conditions of PDS licence. He also said that even the appellate authority the D.M. also did not consider the various points raised before him. He lastly submitted that since the impugned order is legally not sustainable, the same is fit to be set aside.



The learned Spl. P.P. appearing on behalf of the state on the other hand opposed the arguments forwarded by the learned counsel for the petitioner and submitted that the petitioner's licence has been cancelled for serious allegations like making false entries in ration cards of the consumers without giving them their required food grains and k.oil. He further said that the impugned order is just, proper and reasoned having no scope of interference.

Considering the facts and circumstances of the case, material available on records, arguments forwarded by the learned counsel for the parties and on perusal of the impugned order, it is seen that the petitioner's PDS licence has been cancelled for alleged charges of serious alleged irregularities in distribution of food grains and k.oil to the consumers thereby violating the terms and conditions of PDS (control) order. The learned counsel for the petitioner is of the view that all the allegations levelled against the petitioner was denied by him through his show cause reply but the said show cause reply was not accepted by the licencing authority and the appellate authority, the D.M., I find this plea of the petitioner seems to be acceptable to some extent in view of the fact that the allegations allegedly found during inspection were, although, suitably explained by the petitioner through his show cause reply supported by the documentary evidence. In such a situation the licencing authority is ought to have considered the same and has recorded reasons for in case of not being satisfied with the same. It is seen that the learned SDO, as well as the learned D.M. failed to consider this important fact properly as such this Court is not constrained to uphold the impugned order of D.M. Siwan.

For the aforementioned reasons, the impugned order of D.M. Siwan is set aside and this case is remitted back to D.M. Siwan for fresh consideration and to pass a fresh order in accordance with law after hearing the parties.

With the aforementioned observations and directions this revision petition is disposed of.

Dictated and Corrected by me

18/08/2018
Commissioner
Saran Division, Chapra.

18/08/2018
Commissioner
Saran Division, Chapra.