

In The Court of Commissioner, Saran Division, Chapra
Supply Revision No. 115/2017
Vijendra Pandey
Vrs.
The State of Bihar
ORDER

The instant appeal has been preferred against pursuant to the direction given by Hon'ble High Court while disposing of CWJC No. 4901 of 2016 vide order dt. 23.06.2017.

The brief facts of the case are that the petitioner had earlier filed a case bearing Supply Revision No. 70/2001-02 before this Court and the said revision case was dropped vide order dt. 14.07.2008 as the petitioner remained absent regularly from the Court proceeding. Against the said order, the petitioner approached the Hon'ble High Court by way of filing CWJC No. 4901/2016 and the Hon'ble Court was pleased to grant liberty to the petitioner to pursue his remedy before this Court. As such this revision case has come up before this Court in second round of litigation. Further case of the petitioner in that initially the PDS licence No. 71/85 of the petitioner was cancelled by licencing authority, SDO, Marhaurah vide order contained in memo No. 1057 dt. 06.08.1999. Against the said cancellation order, the petitioner filed supply Appeal No. 21/1999 before D.M. Saran which was dismissed by order dt. 22.02.2002.

Heard the learned counsel for the petitioner.

The learned counsel appearing on behalf of the petitioner submitted that the petitioner's PDS licence has been cancelled for same alleged irregularities like shop was closed at the time of inspection besides irregular distribution of sugar and K.oil. He further submitted that although the petitioner filed his show cause reply challenging the suspension of his licence, the said show cause reply was not accepted by the licencing authority and his licence was cancelled. The further argued that even no time of inspection was given in the inquiry report and on this account the cancellation of licence becomes illegal. He further submitted that all 124 consumers had given in writing that they had no grievance with the petitioner's distribution work but all these facts were not considered by the licencing authority. The learned counsel further argued that even the learned D.M. as appellate authority did not consider the various documents filed before him to contradict the allegations, and held that there was no infirmity in the cancellation order of SDO, Marhaurah and the petitioner was even failed to brought any new facts in support of his claim. He further said that the learned D.M. wrongly upheld the impugned order of SDO. He lastly prayed that the impugned order is fit to be set aside and this revision petition be allowed.

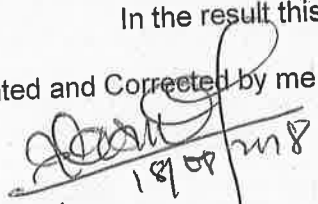
Considering the facts and circumstances of the case, material available on records, pleadings forwarded by the learned counsel for the petitioner and on perusal of the impugned order, it is seen that the petitioner's PDS licence was cancelled for

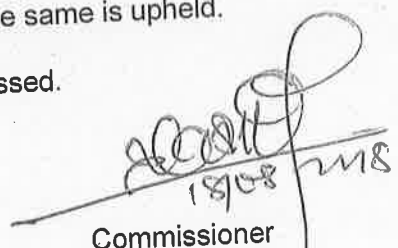
committing gross irregularities in distribution of sugar and k.oil to the consumers and his appeal petition was also dismissed for lack of merit by the appellate authority, the D.M. The learned counsel for the petitioner is of the view that although, the petitioner filed his show cause reply challenging the suspension of his PDS licence, the said show cause reply was rejected by the licencing authority without recording any substantial reason for that. This plea of the petitioner seems to be highly unreliable. The learned counsel for the petitioner has miserably failed to point out any specific illegality in the impugned order of D.M. Saran so as to enable this Court to make any interference in the said order. I also do not find any apparent illegality in the said impugned order of D.M. Saran as the said order is reasoned and a speaking order.

For the aforementioned reasons, I am not inclined to make any interference in the impugned order of D.M. Saran. As such the same is upheld.

In the result this revision petition stands dismissed.

Dictated and Corrected by me.


18/08/2018
Commissioner
Saran Division, Chapra.


18/08/2018
Commissioner
Saran Division, Chapra.