

In The Court of Commissioner, Saran Division, Chapra

Supply Rev. No. 63/2017

Satya Narayan Rai

Vrs.

The State of Bihar

ORDER

The instant revision application is directed against the impugned order passed by D.M. Saran in Supply Appeal No. 08/2016 on 02.05.2017.

The brief facts of the case are that the petitioner Satya Narayan Rai, S/o Sita Ram Rai, R/o Vill-Bela Bhushi Tola, P.S.-Dariyapur, Dist-Saran was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected on 18.01.2016 by BSO cum BDO, Dariyapur. In course of inspection following irregularities were found like: consumers Chanchal Devi W/o Nand Lal Mahto stated that she had not been given food grains for the month of Dec-2015 and similar statement was also given by one Jiya Devi W/o Ram Ayodhya Sahani consumers Omprakash Sahni and Pama Sahni had alleged that their Antodaya cards was kept by the dealer, some other consumers alleged that they have been given ration and kerosene at the interval of one month and that too on excess price and in less quantity than the prescribed price and quantity by fixed the Govt. and shop was also found closed due to which others registers could not be inspected. Thereafter, a report was sent to the SDO, Sonpur who in turn asked show cause from the petitioner vide memo No. 46 dt. 27.01.2016. The petitioner filed his show cause reply but on finding the said show cause reply to be unsatisfactory, the same was rejected and ultimately the PDS licence has been cancelled by the licencing authority, the SDO Sonpur vide memo No. 83 dt. 06.02.2016. Then the petitioner challenged the said order in appeal before D.M. Saran. The D.M. Saran vide order dt. 02.05.2017 dismissed the said appeal. Feeling aggrieved by the said order of D.M. Saran, the petitioner has preferred the instant revision application before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner that the impugned order is illegal and erroneous. He further submitted that the petitioner was even not supplied with the adverse report which is against the observation made by the Hon'ble High Court. He also said that even the inquiry officer, the BDO did not mention the time of inspection in his report which is mandatory. The learned counsel also submitted that all such complainants whose name figured in the report later on given their statement with affidavit that they had not stated any thing adverse against the petitioner inspite of that the PDS licence of the petitioner has been cancelled. He also submitted that the learned D.M. also did not consider the observation made by the Hon'ble High Court that closure of shop for a day is not a grave offence for which the licence should be cancelled. He lastly said that as the learned D.M. failed to consider the various points raised before him and he did not record any reason for non-consideration of the said points, his order is fit to be set aside.

The learned Spl. P.P. appearing on behalf of the state submitted that the impugned order is cogent, reasoned and proper as such the same is fit to be upheld. He further submitted that several consumers have given their statements

before the inquiry officer regarding the alleged irregularities committed by the dealer in distribution of food grains and k.oil and it is for the said reason the learned D.M. has upheld the cancellation order passed by the SDO.

Considering the facts and circumstances of the case, material available on records pleadings made 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 the alleged serious charges of irregularities found during the inspection. Although, petitioner filed his show cause reply refuting the said charges but the licencing authority did not found the same to be satisfactory. It is also seen that learned D.M. also recorded in his order that the charges levelled against the petitioner with respect to irregular distribution of food grains and k.oil can not be taken lightly and as such the action taken against the petitioner by the licencing authority is justified. The learned counsel for the petitioner failed to point out any specific illegality in the said order of D.M. Saran so as to warrant any interference at this stage.

For the aforesaid reasons, the impugned order is upheld.

Accordingly, this revision petition is dismissed.

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.