

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 217/2015
Chandra Bhushan Srivastva
Vrs.
The State of Bihar
ORDER

The instant revision petition is directed against the impugned order passed by D.M. Siwan in Supply Appeal case No. 152/2013-14 on 27.03.2015.

The brief facts of the case are that PDS licence granted to the Bagaura PACCS of Daraundha block of Siwan district for running a PDS shop was inspected twice by a team of three others, constituted by SDO, Maharajganj on 27.10.2013 and 16.11.2013 for the allegations of non-distribution of food grains and k.oil to the consumers. Thereafter, a report was sent to the SDO, Maharajganj who after a detailed hearing in the matter finally held that the said PACCS has committed gross irregularities in the distribution of food grains and k.oil thereby violated the terms and conditions of PDS (control) order as well as the observations made by the apex Court. Ultimately, the said PDS licence was cancelled vide order dt. 13.12.2013. Feeling aggrieved by the said cancellation order, the manger of the said PACCS one Chandra Bhushan Srivastva preferred an appeal case before D.M. Siwan. The learned D.M. also after hearing the parties finally vide order dt. 27.03.2015 dismissed the said appeal. This resulted in coming up of this 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 PDS licence granted to PACCS can not be cancelled as the said licence is granted to an institution and not to an individual. In support of his said contention he also referred to a letter issued by the Food & Consumers Protection Deptt. Govt. of Bihar, Patna vide memo No. 2565 dt. Nil. The learned counsel further submitted that all the allegations levelled against the said PACCS were non-serious in nature and even the said allegation denied by the then Chairman of PACCS through his show cause reply and also at the time of personal hearing but the same were not considered at all by the learned SDO. He further said that even the learned D.M. also did not consider the said contentions while disposing the appeal. He lastly said that as the learned Court below has failed to consider the relevant direction of the deptt., the said order becomes illegal and fit to be set aside.

The learned Spl. P.P. in his brief argument simply submitted that the impugned order is just and proper and having no illegality. Regarding the said Govt. letter concerning PACCS, the learned Spl. P.P. expressed doubt about the applicability of the same in the facts and circumstances of the instant case.

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 is seen that the PDS licence of the said PACCS has been cancelled for the alleged irregularities found during inspection. It is also seen that the learned SDO, Maharajganj has passed a detailed order regarding cancellation of the



said licence. Similarly, the learned D.M. Siwan has also passed a detailed order as appellate authority. The only contention of the learned counsel for the petitioner is that the PDS licence granted to PACCS can not be cancelled as the said licence is granted to the PACCS as an institution and not to its Chairman or anybody else. In this connection he also referred to a letter of the deptt of Food & Consumers Protection. It appears that although, the petitioner's claim has some merit but in my considered view, this aspect of the case should needs to be looked into first by the appellate authority, the D.M. as to whether this letter is applicable in the fact situation of the instant case or not.

Thus, for the aforesaid reason, the impugned order passed by D.M. Siwan is set aside and the case is remitted back to him to pass a fresh order, keeping in view, the letter of deptt. as referred above and after hearing the parties disposed of the same in accordance with law.

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

Dictated and Corrected by me.


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.