

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. No. 73/2016**  
**Sharadha Rani**  
**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. 62/2011 on 07.01.2016.

The brief facts of the case are that Sharadha Rani W/o Harihar Prasad Yadav, R/o Vill-Pakwalliya, P.S.-Avtar Nagar, Dist-Saran was a PDS licensee. Further case is that the PDS shop of the petitioner was inspected by circle officer/Block Supply officer, Dighwara pursuant to the order of SDO, Sonpur which was necessitated on the complaint petitioner filed by one Satyendra Kumar and other 82 consumers of village Harazi of Block Dighwara. The inspecting team submitted their report to the SDO Sonpur vide letter No. 247 dt. 13.12.2010 in which following irregularities stated to have been found in course of inspection like: Notice board found to be hanged but up to date position of stock etc were not mentioned; thereon although, dealer was present at the time of inspection but she did not produce the documents relating to stock position, even on demand, several consumers attached to the PDS shop of the petitioner alleged that the dealer used to give 2 ½ litre of K.oil and 20 Kg. Of Antodaya grains on more than the prescribed rate of the items. Thereafter, a show cause notice was issued to the petitioner by SDO, Sonpur vide letter No. 1064 dt. 31.12.2010. the petitioner filed her reply refuting the alleged charges and on which comment was sought for from BSO, Sonpur on the said show cause reply. The BSO, Sonpur sent his opinion in which he recommended for suspension of the PDS licence of the petitioner in view of the gross irregularities found during inspection. This led to suspension of the PDS licence of the petitioner vide order contained in memo No. 53 dt. 01.02.2011 and second show cause notice was issued. Reply filed by the petitioner on which opinion of BSO, Sonpur was obtained and finally, the SDO, Sonpur, as licencing authority decided to cancel the said PDS licence on the ground that the show cause reply submitted by the petitioner was found to be unsatisfactory and the alleged charges of irregularities were of serious nature. The said cancellation order, as contained in memo No. 345/Supply dt. 29.04.2011 was served upon the petitioner. Feeling aggrieved by the said cancellation order, she preferred an appeal bearing supply Appeal No. 62/2011 before D.M. Saran which was subsequently dismissed vide order dt. 07.01.2016. This led to filing of the instant revision petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner submitted in detail as to how the impugned order passed by D.M. Saran is legally and factually not sustainable. He further went on to say that the order passed by the learned Court below is perverse and deserves to be set aside in as much as



the said order is not a speaking order. He also argued that charges of irregularities reported by the inspecting team is of trifling nature like non-displaying of notice board and non production of various records for inspection. The learned counsel further submitted that both SDO and D.M. Saran has passed the order in mechanical manner without application of judicial mind which is the legal requirement of every order passed by the Court. He lastly prayed that as the impugned order is illegal, the same is fit to be set aside and in turn this revision petition be allowed.

The learned Spl. P.P. appearing on behalf of the state vehemently opposed the arguments forwarded by the petitioner's counsel and further defended the impugned order by saying that the same is just proper and reasoned having no scope of interference. He further said that several consumers attached with the petitioner's PDS shop has filed complaint before the SDO, Sonpur with regard to charging of access price for the commodities and supplying in less quantity than the prescribed rate and quantity. He lastly said that impugned order is fit to be upheld.

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 initially the PDS licence of the petitioner has been cancelled for alleged report of irregularities found by the inspecting officer and subsequent failure of the petitioner to contradict the same through her show cause reply. The learned D.M. Saran acting as the appellate authority passed a detailed order in which in view of the charges levelled against the petitioner and for that reason action taken against her by the SDO, Sonpur has been confirmed. The learned counsel for the petitioner failed to point out some specific illegality in the said order. Merely terming an order as non speaking is not sufficient to consider the same to be so rather a person alleging so has to prove beyond all reasonable doubts as to how the said order is non-speaking.

For the reasons stated above, the impugned order of D.M. Saran is upheld and this revision application is being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
21/07/2017  
Commissioner  
Saran Division, Chapra.