

**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. No. 268/2015**  
**Prabhu Nath Rai**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

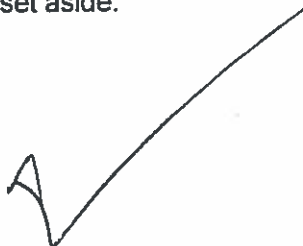
The instant revision petition is directed against the impugned order passed in Supply Appeal case No. 11/2014 on 11.09.2015 by D.M. Gopalganj.

The brief facts of the case are that Prabhu Nath Rai, S/o Late Gokhul Rai, R/O Vill-Baikunthpur, Dist-Gopalganj was a PDS dealer. Further case is that the PDS shop of the petitioner was inspected by BSO, Gopalganj and Barauli on 24.07.14. In course of inspection certain irregularities like; shop was found closed at 12.15 P.M. and dealer was absent, six drams K.oil was found in the business premises, different papers could not be checked due to absence of the dealer and further certain consumers alleged that they were not supplied with the food grains for the month of March and April 14 besides this excess price was charges and food grains were supplied in less quantity than the prescribed quantity. Thereafter, SDO, Gopalganj asked show cause from the petitioner vide memo No. 1007 dt. 25.07.14. The petitioner filed his show cause reply wherein he accepted that he was absent at the time of inspection and for other charges he failed to furnish any convincing reasons which led to rejected of the show cause reply and consequently cancellation of the PDS licence.

Feeling aggrieved by the said order of SDO, the petitioner preferred an appeal vide Supply Appeal No. 11/2014 before D.M. Gopalganj which was subsequently dismissed vide order dt. 11.09.15. This led to filing of the instant revision case 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 impugned order is illegal, bad and erroneous for the reason that the said order is against the observation of the Hon'ble High Court Patna reported in 2012 P.L.J.R.(3) 593. He further argued that the learned D.M. Gopalganj has erred in not considering that since no adverse report had been supplied to the petitioner no action should have been taken against the petition as reported in the decision of the Hon'ble High Court. The learned counsel further submitted that actually the petitioner had to close his shop as he had gone to Dighwa-Dubauli due to illness but the explanation given to the SDO, for his such absence was not considered at all. He also submitted that no statement of the consumers could be supplied to the petitioner and therefore, the petitioner was deprived from filing an effective reply and in support of his said contention he also referred to a reported judgment and finally termed the said action as serious flaw in the decision making process. He also argued that closure of shop for a day is not a serious offence to attract cancellation of the licence. The learned counsel also submitted that the affidavits sworn by the consumers with regard to that they have not alleged anything before the inspecting team, were not considered by the learned SDO and D.M. He lastly submitted that as the impugned order is arbitrary, misplaced and has been passed without applying the judicial mind, the said order is fit to be set aside.



The learned Spl. P.P. appearing on behalf of the state supported the impugned order and further said that the allegation against the petitioner was of serious nature and for that his licence has been cancelled. He also argued that the impugned order is cogent, reasoned and speaking having no illegalities as such the same is fit to be upheld and the instant revision petition being devoid of any merit is fit to be dismissed.

Considering the facts and circumstances of the case, material available on records, arguments forwarded by the learned counsel for the parties and on going through the impugned order, it is quite obvious that the petitioner's licence has been cancelled by the licencing authority, the SDO for the alleged charges of serious irregularities reportedly found during the inspection of his PDS shop. Even the show cause reply filed by the petitioner did not help him to contradict the said serious charges. The learned counsel led maximum stress on the point that closure of shop is not a serious charge for cancellation of PDS licence. This plea seems to be acceptable to some extent. But the other charges against the petitioner no way become lesser on this account. It is also to be noted that the learned D.M. has passed a detailed and reasoned order, discussing each and every aspects of the case as appellate authority. In that situation, this Court has no other option other than to uphold the said impugned order.

For the aforesaid reasons, the impugned order is sustainable and hence the same is upheld.

Accordingly, this revision petition is dismissed.

Dictated and Corrected by me.

  
31/12/17  
Commissioner  
Saran Division, Chapra.

  
31/12/17  
Commissioner  
Saran Division, Chapra.