

In The Court of Commissioner, Saran Division, Chapra
Supply Rev. No. 64/17
Ragho Rai
Vrs.
The State of Bihar
ORDER

The instant appeal petition is directed against the impugned order passed by D.M. Saran in Supply Appeal case No. 06/2016 on 27.04.2017.

The brief facts of the case are that the petitioner Ragho Rai, S/o Late Salik Rai, R/o Vill-Marar, P.S.-Parsa, Dist-Saran was a PDS dealer, having licence No. 06/2007. Further case is that the PDS shop of petitioner was inspected by BSO, Parsa on 30.11.2015 on the complaint filed by Mohd. Rabiullah and some other consumers. In course of inquiry some irregularities were found like: the shop was found closed without any prior permission, stock and distribution registers could not be verified due to closure of the shop, consumers attached with the PDS shop gave their statement that only two time ration and K.oil is distributed in the whole year and entry in the ration card made forcibly. Then the BSO, Parsa sent the inquiry report to the SDO, Charpa Sadar who in turn vide memo No. 1446 dt. 17.12.2015 asked show cause for the aforementioned irregularities and when the show cause replied filed by the petitioner was found to be unsatisfactory, the said PDS licence was cancelled vide memo No. 47 dt. 15.01.2016. Feeling aggrieved by the said order of SDO, Chapra Sadar the petitioner preferred an appeal petition before D.M. Saran vide Supply Appeal case No. 06/2016 and the said appeal was dismissed by D.M. Saran vide order dt. 27.04.2017 which led to coming up of instant revision petition before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner submitted that in details as to how on the complaint of one Rabiullah and some consumers, the PDS shop of the petitioner was inspected by BSO, Parsa and subsequently without considering the show cause reply filed by the petitioner, the SDO, Chapra Sadar cancelled the licence without recording any reason for his such decision. He further submitted that the petitioner was not even given prior information about inspection of his shop and action against the petitioner has been taken in haste without affording any opportunity of hearing thereby violating the principle of natural justice. He further criticized the appellate order of D.M. by saying that the learned D.M. did not even consider these facts nor the observation made by the Hon'ble High Court that mere closure of PDS shop on a particular day can not attract the punishment of cancellation of licence. He lastly said that as the impugned order is arbitrary and illegal, the same is fit to be set aside and this revision petition be allowed accordingly.

The learned Spl. P.P. appearing on behalf of the state submitted that the petitioner's licence has been cancelled for some serious allegations found during inspection. He further said that the impugned order is reasoned, cogent and having no illegality so the same is fit to be upheld.



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 petitioner's licence has been cancelled by the licencing authority, the SDO, Chapra Sadar for the alleged gross irregularities stated to have been committed by the petitioner in distribution of the food grains and K.oil to the consumers. Obviously, this is a serious kind of allegation against the PDS dealer. Although, the petitioner filed his show cause reply refuting the said charges but the same were not considered by the licencing authority as well as by the learned D.M. Saran. On the other hand, it is seen that the learned D.M. confirmed the said order of SDO, Chapra Sadar in appeal without recording any sufficient reason for his said finding. The only plea taken by the petitioner is that he was not informed prior to inspection of his PDS shop. I do not find any merit in such claim in view of the fact that once the petitioner is informed about inspection of his PDS shop, no purpose of inspection will be served. Moreover, It is seen that the learned D.M. has failed to consider the important points raised before him before arriving at the final conclusion. On this account the impugned order becomes erroneous.

For the aforementioned reasons, I am not constraint to uphold the impugned order of D.M. Saran as such the same is set aside and the matter is remitted back to the D.M. Saran to pass afresh order in accordance with law after hearing the parties.

With the aforesaid observations and directions this revision petition is disposed of.

Dictated and Corrected by me.


14/09/2017
Commissioner
Saran Division, Chapra.


14/09/2017
Commissioner
Saran Division, Chapra.