

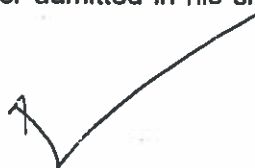
**In The Court of Commissioner, Saran Division, Chapra**  
**Supply Rev. No. 243/2016**  
**Nizamuddin Ahmad**  
**Vrs.**  
**The State of Bihar**  
**ORDER**

The instant revision application is directed against the impugned order passed by D.M. Gopalganj in Supply Appeal case No. 16/2015 on 11.09.2015.

The brief facts of the case are that the petitioner Nizamuddin Ahmad, S/o Israrul Haque, R/o vill-Sidhwania, P.S.-Kateya, Dist-Gopalganj was a PDS dealer and his licence No. was 16/2007. Further case is that the complaint received against the petitioner for not distribution of food grains from the D.M. Gopalganj was inquired by BSO, Kateya pursuant to the order given by SDO Hathua vide letter No. 978/c dt. 30.06.2015. The BSO sent his report in which he mentioned that complaint Samisha Khatoon w/o Serajuddin, Salima Nisha w/o Ali Murtza, Safikan Khatoon w/o Ul Alam and Salinu Nesha w/o Nessam Ahmad stated that the dealer used to refuse to give them ration and the dealer did not give them ration till 10.07.2015. other allegations was that the dealer used to charge 25 rupees per litre k.oil and in less quantity and he also sold the ration meant for the months of May-2015 in black market. Besides this on the day of inspection on 09.07.2015, the shop of the petitioner was found closed and no notice board was displayed and for the said irregularities recommendation was made for cancellation of licence. Thereafter, the SDO, Hathua served a show cause notice with respect to above irregularities reportedly by found in the inspection of the BSO vide memo No. 1039/c dt. 10.07.15. In compliance to the said show cause notice, the petitioner filed his show cause reply refuting all the charges and he also stated therein that the said complainant had never come to his shop for collecting rations and he has been trapped in the village politics. However, the learned SDO rejected the said show cause reply on the ground of non submission of documentary evidence in support of defence and accordingly cancelled the said licence vide order contained in memo No. 110/ dt. 30.07.2015. Feeling aggrieved by the said order, the petitioner filed an appeal case before D.M. Gopalganj but the said appeal case was dismissed vide order dt. 11.09.2015. Then, the petitioner approached the Hon'ble High Court by way of filing CWJC No. 17923/2015 but lateron withdraw the same on permission granted by the Hon'ble Court vide order dt. 17.11.2016. This led to coming up of this revision case before this Court.

Heard the learned counsel for the parties.

The learned counsel appearing on behalf of the petitioner while assailing the cancellation order passed by SDO, Hathua as well as impugned order passed by D.M. Gopalganj, submitted that both the authorities failed to consider the factual aspects of the case properly so as to do justice to the petitioner. He further said that the show cause reply filed by the petitioner was rejected without assigning any reasonable cause for such rejection and even the D.M. also without applying his judicial mind upheld the order of SDO, Hathua. He also argued that the learned Court below failed to establish the allegations against the petitioner. The learned counsel further argued that, although, the petitioner admitted in his show cause reply that the



complainant had demanded ration from him in the month of July-2015 on the basis of false ration card as such he did not give them ration. He also argued that other allegation like black marketing of ration kerosene, closure of PDS shop at the time of inspection and non-displaying of notice board one vague allegations and in support of that no evidence was mentioned in the report of BSO. He lastly said that as the petitioner's conduct was fair, no complaints were ever made against him rather local panchayat representation were happy with the petitioner's functioning as dealer and as such they have given their certificate regarding the fair distribution of petitioner.

The learned Spl. P.P. appearing on behalf of the State, strongly opposed the submission made by the learned counsel for the petitioner and said that there has been specific allegation of non-distribution of good grains to genuine card holders which was found true in inquiry. As such the action taken against the petitioner is justified and proper. He further said that the learned D.M. has also upheld the said order and also recorded reason for his such findings so the impugned order is fit to be set aside.

Considering the facts and circumstances of the case, material available on records, pleadings forwarded 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 certain allegations like non-distribution of food grains to five consumers besides some other allegations. The learned counsel for the petitioner is of the view that the genuineness of the ration cards of the complaints as well as allegation made by them has not been examined properly by the licencing authority despite being mentioned in the show cause reply. His further contention is that none of the allegations are of serious nature as such the petitioner's licence could not have been cancelled. I do not find any merit in such claim as it appears from the record that the learned SDO has passed a detailed order discussing each and every aspects of the case properly. Even the learned D.M. Gopalganj has also passed a detailed and reasoned order. The learned counsel for the petitioner failed to point out any specific illegality in the impugned order.

For the reasons mentioned above, the impugned order is upheld.

In the result this revision petition being devoid of any merit is dismissed accordingly.

Dictated and Corrected by me.

  
Commissioner  
Saran Division, Chapra.

  
Commissioner  
Saran Division, Chapra.