

OFFICE OF THE COMMISSIONER / APPELLATE AUTHORITY  
DEPARTMENT OF FOOD SUPPLIES AND CONSUMERS AFFAIRS  
GOVT. OF NCT OF DELHI,  
ROOM No.101, 1<sup>ST</sup> FLOOR, K-BLOCK, VIKAS BHAWAN, I.P.ESTATE,  
NEW DELHI-110002.

No.PA/COMM./AA/FPS Appeal/F&S/2019/1899-1902

Dated: 10.02.2020

APPEAL NO. 33/2019

In the matter of:

M/s. 'Jai Bholey Store,  
FPS No.9166, Circle -01(Narela)  
Delhi

Sh. Usha Rani, Prop.

The Assistant Commissioner (North-West)  
Deptt. of Food Supplies & Consumer Affairs,  
Delhi.

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V/s  
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Appellant

Respondent

**ORDER**

Whereas, Ms. Usha Rani, the licensee of M/s Jai Bhole Store, FPS No. 9166, Circle -01 D-2/60, Swarn Jayanti Vihar, Narela, Delhi-110040, has filed an Appeal under the Delhi Specified Articles (Regulation of Distribution) Order, 1981 against the Order No. F.7/AC/NW, 2017/2002-06 dated: 30.01.2018 issued by the Assistant Commissioner (NW) regarding acceptance of resignation from the authorization of Fair Price Shop due to illness of her husband.

The case was called and both the parties were heard at length.

The Appellant submitted the following:

- (i) The Appellant tendered the resignation of the FPS in the month of January, 2018 on ground of her husband's illness who was diagnosed with "Transitional Cell Carcinoma of Right Kidney" and was undergoing treatment of cancer since December, 2014.
- (ii) The Respondent accepted the resignation of the Appellant vide impugned Order dated: 30.01.2018.
- (iii) The above FPS is the only source of income for the Appellant.
- (iv) The past record of the Appellant in running the FPS is very clean and no case regarding discrepancies of any nature is pending against the Appellant. Till date, no consumer has filed any complaint against the Appellant regarding any irregularity.
- (v) The Appellant may therefore be permitted to withdraw the resignation and the License of the FPS may be restored.

The Appellant also requested for condoning the delay in filing of the present Appeal.

The Respondent stated the following:

- (i) The authorization of FPS license No. 9166 was allotted to Smt. Usha Rani in Circle-01 (Narela) by the Department of Food, Supplies & Consumer Affairs, Government of NCT of Delhi. The Appellant tendered the resignation of her FPS in the month of January, 2018 due to illness of her husband, Sh. Sat Narayan Goyal.
- (ii) The Respondent accepted the resignation of the Appellant vide Order dated: 30.01.2018.
- (iii) The Appellant now wants to withdraw the resignation as the condition of her husband is stable in support of which a Medical Certificate issued by the Nirmal Hospital (Delhi Government approved Hospital), Sultanpuri, Delhi-86 has been produced by the Appellant.

- (iv) No vacancy has been notified by the Department against the above FPS.  
(v) No complaint/discrepancy has been found in the past against the Appellant as per record of this office.

After hearing contentions of both parties, examining their written submissions and perusing other relevant records placed before me, it is noted that the Appellant due to difficult circumstances arising on account of her husband suffering from cancer, tendered resignation of the Fair Price Shop 9166. Now, the Appellant is in a position to smoothly run the Fair Price Shop as the condition of her husband is stable/ improved. It is also noted that the Fair Price Shop is the only source of livelihood for the Appellant and the Appellant has been running the shop till date without complaints/discrepancies.

Therefore, considering the facts and special circumstances of the case, on humanitarian grounds the Licensee Ms. Usha Rani is allowed to withdraw the resignation tendered by her in respect of FPS 9166 in January, 2018. The Order of AC (North West) dated. 31.01.2018 is accordingly revoked.

Parties be informed accordingly.

*Ankita*  
10/02/2020

(ANKITA MISHRA BUNDELA)  
COMMISSIONER (F&S)/APPELLATE AUTHORITY

No.PA/COMM./AA/FPS Appeal/F&S/2019/ 1899-1902

Dated: 10.02.2020

Copy to :-

1. The Assistant Commissioner (North-West), F&S Deptt., GNCT of Delhi.
2. Smt. Usha Rani, Prop. of M/s Jai Bholey Store (FPS No.- 9166), Circle-01 through Assistant Commissioner (North-West).
3. Smt. Usha Rani, Prop. of M/s Jai Bholey Store (FPS No.-9166), Circle-01 R/o A-1/40-41-42, Budh Vihar Ph-I, Sultanpuri, C-Block, Delhi-110086.
4. Mr. Shailendra (AR) R/o 3243, School Street, Pahar Ganj, New Delhi-110055.

*Ankita*  
10/02/2020

(ANKITA MISHRA BUNDELA)  
COMMISSIONER (F&S)/APPELLATE AUTHORITY