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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 772/2009

Date of decision: 11th November, 2009

DAYA KOD Petitioner
Through Mr. Anil Panwar, Advocate.

versus

FINANCIAL COMMISSIONER & ORS. Respondents
Through Ms. Jyoti Singh & Mr. Amandeep Joshi,
Advocates for GNCTD.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether the judgment should be reported in the Digest ?

ORDER

1. The petitioner's licence to sell kerosene oil under the Delhi Kerosene Oil (Export & Price) Control Order, 1962 has been cancelled on the basis of surprise check carried out by the Enforcement Branch of the Government of NCT of Delhi on 13th December, 2005. The security deposit has also been forfeited.
2. Checking by the Enforcement Branch on 13th December, 2005 at the shop of the petitioner is not denied. As per the inspection report, the petitioner had received 1615 litres of kerosene oil upto 23rd November, 2005 and only 245 litres of kerosene oil were found by the enforcement team. The petitioner was accordingly required to account for the said shortfall of 1370 litres of kerosene oil, which were meant to be distributed under the Public Distribution System.
3. The stand taken by the petitioner is that he had applied for medical leave to

close the fair price shop and the said application was allowed/sanctioned by letter dated 22nd November, 2005. Sanction of the said medical leave/closer does not, however, account for the shortfall of 1370 litres of kerosene oil. It is an admitted position that the petitioner had received 1615 litres of kerosene oil upto 22nd November, 2005 and was required to account for the same as only 245 litres kerosene oil was found at the time at the time of inspection by the enforcement team. The Commissioner (Food and Supplies), Government of NCT of Delhi in her order dated 11th July, 2007 has pointed out that the records from FSO (Fuel Siding) were called and it was verified that the petitioner had received 1300 litres, 1000 litres and 1650 litres of kerosene oil on 8th November, 2005, 9th November, 2005 and 22nd November, 2005 respectively. She has also recorded that signatures of the appellant are available on the receipt provided by the concerned SKO agent and the same do not appear to be forged as claimed by the petitioner.

4. Learned counsel for the petitioner relies upon a letter, which was allegedly served in the office of the Commissioner, Department of Food and Supplies on 5th December, 2005. It is difficult to rely upon the said letter as no receipt number is mentioned. It is difficult to believe that the petitioner would have allowed the sons of his salesman to take away keys of his shop. It is admitted that the petitioner did not take criminal or civil action. This contention is an afterthought.

5. In view of the aforesaid, I do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

NOVEMBER 11, 2009
VKR