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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3467/2024 & CM APPL. 14155/2024**

M/S DEV PROVISIONAL STORE Petitioner

Through: **Mr. Nitin Sehgal, Advocates**

versus

THE COMMISSIONER FOOD AND SUPPLIES & ANR.

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

27.05.2024

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1. The Petitioner has approached this Court challenging the Order dated 19.12.2023 passed by the Ld. Financial Commissioner, Delhi rejecting the appeal filed by the Petitioner under Clause 6 of Delhi Specified Articles (Regulations and Distributions) Control Order, 1981 which was filed against the Order dated 21.09.2022 passed by the Special Commissioner (F&S), Delhi rejecting an appeal filed by the Petitioner challenging the Order dated 12.04.2022 passed by the Ld. Financial Commissioner.
2. The facts of the case reveal that the Petitioner had filed an application for allotment of a Fair Price Shop. It is the case of the Petitioner that the Petitioner was already running a Kerosene Oil Depot and therefore, the Petitioner was entitled to a preferential treatment.
3. Learned Counsel for the Petitioner draws attention of this Court to the



Policy for issuance of licence of Fair Price Shops in Delhi wherein it is stated that a person holding a licence to run a Kerosene Oil Depot is to be given preferential treatment. He also draws attention of this Court to the guidelines of allotment of Fair Price Shops which state that persons of preferential category have to be considered first and if there is more than one person in that category, the selection has to be made from amongst the preferential category and not from the other candidates. He states that the entire selection process is vitiated because the Petitioner has only given extra marks and has not been treated as a preferential candidate which ought to have been done in terms of the guidelines of allotment.

4. The relevant portion of the policy for issuance of licence of Fair Price Shops (FPS) in Delhi reads as under:

(6) Preferential allotment: While issuing the license for an FPS the preference will be given to the following:

- (i) Companies, Boards, Societies and other entities owned by the Government of NCT of Delhi and the Central Government,
- (ii) Local Bodies, Panchayat Raj Institutions,
- (iii) Ration card holders groups representing at least 100 ration card holders,
- (iv) Women Self Help Group, Groups of unemployed youth,
- (v) Physically handicapped person who are not totally incapable of running the FPS,
- (vi) Ex servicemen,
- (vii) Person having Graduate/Post Graduate educational qualification
- (viii) Cooperative Societies,
- (ix) Nominated agency of the Government like Kendriya Bhandar,

Person holding license of kerosene oil depot in the past.

5. A perusal of the aforesaid shows that Paragraph 6(i) to 6(ix) is mentioned and has been numbered, however, the category i.e., “person



holding license of kerosene oil depot in the past” has not been given a separate number and has been mentioned without any number.

6. This Court is inclined to issue notice to verify as to whether persons holding licence to run Kerosene Oil Depot are to be treated as a preferential category candidates or not as the entire case of the Petitioner will stand and fall on this single aspect.

7. On payment of process fee, let notice be issued to Respondent No.1 through all permissible modes, including *Dasti*.

8. List on 30.07.2024.

SUBRAMONIUM PRASAD, J

MAY 27, 2024

S. Zakir