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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12687/2019**
M/S ANKIT STORE

..... Petitioner

Through: Mr.Pradeep Gupta, Mr.Parinav Gupta,
Ms.Mansi Gupta, Mr.Moazzam Ali &
Ms.Mamta, Advs.

versus

THE COMMISSIONER, (FOOD AND SUPPLIES DEPARTMENT)
AND ORS.

..... Respondents

Through: Mr.Shadan Farasta, ASC/GNCTD
with Ms.Hafsa Khan, Adv. for R-1 &
R-3.
Mr.Yogesh Kumar, Adv. for R-5.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% 02.12.2019

CM No. 51852/2019 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 12687/2019 & CM No. 51853/2019

Issue notice. Notice is accepted by Mr.Shadan Farasta, ASC/GNCTD on behalf of respondent nos. 1 and 3 and Mr.Yogesh Kumar, Advocate on behalf of respondent no. 5. Let notice of this petition be issued to the remaining respondents to be served through all modes, returnable on 25th February, 2020.

It is case of the petitioner that the consistent stand of the respondent no. 1 in the earlier Writ Petition was that the matter of allocation of the Fair Price Shop to the petitioner was taken by the Commissioner, Food and



Supplies Department. The appeal against the decision of the Commissioner is maintainable only before the Financial Commissioner in accordance with the Rule 6(7) of the Delhi Specified Articles (Regulation of Distribution) Order, 1981. The learned counsel for the petitioner submits that therefore, the Impugned Order has been passed without jurisdiction.

On the other hand, the learned counsel for the respondent no. 5 has placed reliance on the Rule 6(6) of the above Rules to submit that the Commissioner is empowered to revive any order passed by the Deputy Commissioner or review an order passed by his predecessor, on an application of the aggrieved party or on its own motion. He submits that therefore, the Impugned Order cannot be said to be without jurisdiction.

As the Impugned Order have been passed considering the appeals filed by the aggrieved parties, in my opinion, *prima facie* the submission of the respondent no. 5 cannot be accepted at this stage.

In view of the above, there shall be a stay on the operation of the Impugned Order till the next date of hearing.

Dasti.

NAVIN CHAWLA, J

DECEMBER 02, 2019/rv