IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 6001 of 2025

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ODHABHAI MULUBHAI BHALIYA
Versus
STATE OF GUJARAT & ORS.

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Appearance:
BHAVIN B THAKAR(9371) for the Petitioner(s) No. 1
MR. K. B. PATEL(16319) for the Petitioner(s) No. 1
MR MAYANK CHAWDA ASSISTANT GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

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CORAM:**HONOURABLE MR. JUSTICE NIRAL R. MEHTA**

Date : 26/09/2025

ORAL ORDER

[1] The present petition challenges the cancellation and/or suspension of the petitioner's fair price shop license, which was originally issued and governed under the Control Order, 2004. The grievance of the petitioner is that, after the Central Government amended the Control Order in 2015, the State Government has not made corresponding amendments to the State Control Order. Therefore, any action taken under the old Control Order of 2004 is alleged to be without jurisdiction.

[2] Learned Assistant Government Pleader, on the basis of written instructions dated 19th September 2025 (which are

taken on record), submitted that the ends of justice would be served if the matter is remanded to the competent authority for fresh consideration in accordance with the provisions of the New Control Order, 2025.

[3] In view of the above submission and without entering into the merits of the matter, the petition is disposed of by quashing and setting aside the impugned order and/or show cause notice. The matter is remanded to the concerned authority for fresh adjudication in accordance with the New Control Order, 2025. It is hereby clarified that all the contentions are kept open to be raised before the authority.

[4] It is clarified that if any interim relief was earlier granted and is presently in operation, permitting the petitioner to run the fair price shop, such arrangement shall continue till the final decision is taken by the authority in the remanded proceedings. The authority is directed to decide the matter at the earliest, keeping in view that it concerns the distribution of essential commodities in the respective area. The fair price shop holder(s) / licensee(s) shall cooperate in the proceedings and shall not seek unnecessary

adjournments. The entire exercise shall be completed within an outer limit of six months from the date of receipt of the writ of this order.

Direct service is permitted.

(NIRAL R. MEHTA,J)

NIHAL PATEL

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: NIHAL PATEL(HC02355), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 12/11/2025 12:37:12