

WP(C) 5516/2014
BEFORE
HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioner is a SK oil hawker/retail licensee under the Assam Public Distribution of Articles Order, 1982 (hereinafter referred to as 'the 1982 Order') and the licensee is aggrieved by the suspension of license ordered on 1.8.2013 (Annexure-2) by the SDO (Civil), South Salmara.

2. Mr. J Ahmed, learned counsel submits that the President of the Kanaimara Gaon Panchayat filed malicious complaint against the SK oil hawker, for which a show cause notice was earlier issued on 24.9.2013 (Annexure-3), where it was alleged that the hawker had not distributed the collected SK oil from the notified distribution point. In the reply, the licensee projected that SK oil is being distributed regularly amongst the consumers and a false complaint has been filed by the President of the Gaon Panchayat. The petitioner projects that although the license was suspended over a year back on 23.8.2013, no further steps have been taken by the authorities for cancellation of license under Clause 15 of the 1982 Order.

3. Mr. N Upadhyay, the learned Govt. Advocate submits that under Sub-clause (2) of Clause 15 of the 1982 Order, a license can be suspended for a maximum period of 90 days and opportunity of hearing is envisaged to the affected licensee, under the 1982 Order.

4. Having considered the facts in the present case and the provisions of Sub-clause (2) of Clause 15 of the 1982 Order, as 15 months have gone by, I deem it appropriate to quash the suspension order, as such order can't continue indefinitely. However if the authorities wish to proceed further against the licensee, they may do so after affording due opportunity, as envisaged under Sub-clause (2) of Clause 15 of the 1982 Order. With this direction, the case stands allowed to the extent indicated.

5. The matter is disposed of with the above without any order on cost.