

5
\$~
*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3182/2020 & CM APPL.11054/2020

RAMYA KUTTY Petitioner

Through: Mr. Shivam Goel, Advocate with
petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Anjum Javed, ASC for respondent
No.1/GNCTD.

Ms. Maninder Acharya, ASG with
Mr. Anurag Ahluwalia, CGSC,
Mr. Abhigyan Siddhant and Mr. Viplav
Acharya, Advocates for respondent
No.2/UOI.

Mr. Anurag Tiwari, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **21.05.2020**

The present matter has been heard by way of video conferencing.

Present writ petition has been filed with the following prayers:-

*“In view of the foregoing facts and circumstances, this
Hon’ble Court may be pleased to.*

A. *Pass a writ, order or direction in the nature of mandamus
or any other writ directing the Respondents to ensure*

proper distribution of pulses under the Pradhan Mantri Garib Kalyan Package or PM Garib Kalyan Ann Yojana or any other applicable scheme to residents of Delhi as per their entitlement.

- B. Pass a writ, order or direction in the nature of mandamus or any other writ directing the Respondents to take all measures to control/restrict the rise of the prices of pulses (which are already an “Essential Commodity”) by (a) ensuring proper transportation of pulses without any hindrance; (b) facilitating supply of the pulses including releasing buffer stocks, if required; (c) take measures to avoid hoarding of pulses in Delhi; and/or (d) controlling prices by direct means; and*
- C. Pass such further order (s) as deemed fit by this Hon’ble Court in the facts and circumstances of the present case.”*

At the outset, learned counsel for petitioner states that he does not wish to press prayer ‘B’. He further states that subsequent to the filing of the present writ petition, the respondent No.1 w.e.f. 16th May, 2020 has started distributing pulses in accordance with PM Garib Kalyan Ann Yojana.

He, however, raises a grievance that the distribution of pulses (1 kg. Per family) should have commenced w.e.f. 01st April, 2020 in accordance with the aforesaid Scheme. He also contends that the Fair Price Shops are not displaying information regarding entitlement of food grains in accordance with provisions of the Targeted Public Distribution System (Control) Order, 2015.

Learned counsel for Govt. of NCT of Delhi has filed a status report. In the said status report, it is stated as under:-

“In compliance of the directions passed by the Hon’ble High Court vide order dated 19.05.2020, it is submitted as under:

1. *That, distribution of Pulses under PM-GKAY for the month of April, 2020 could not be made due to quality issues of supplies of Pulses with NAFED. Now, with replacement of stock with good quality pulses at all concerned Fair Price Shops, the distribution of pulses for the month of April, 2020 was started on 16.05.2020. In two days i.e. 16.05.2020 and 17.05.2020, Dal has already been distributed to 171865 households. Distribution of Pulses for the months of May and June, 2020 under PM-GKAY will be taken up subsequently after the distribution of pulses for April, 2020. As regards, distribution of Pulses under PM-GKAY, allocation of Pulses for the month of May, 2020 has already been generated and allocation for June, 2020 is being made.*

2. *That, all Fair Price Shops licensees are mandated under the provisions of Targeted Public Distribution System (Control) Order, 2015 to display information regarding entitlement of food grains, in addition to other information on a notice board at a prominent place in the shop on daily basis. Directions have also been issued by the Department for ensuring the above. It has been directed vide Order dated 23.04.2020, copy attached, on allocation and distribution of ration that a board detailed total entitlement of beneficiaries including the regular NFS entitlement as well as additional entitlement to be provided under PM-GKAY and Mukhya Mantri Corona Sahayta Yojana in the prescribed format will be mandatorily displayed prominently at all Fair Price Shops by FPS licensees. For abundant clarity and convenience of both the beneficiaries and FPS licensees regarding entitlements under various schemes, an entitlement chart was sent to all FPSs for prominent display at the shops, copy attached. However, in compliance of the directions of Hon'ble High Court in the present matter, another Order dated 19.05.2020, copy enclosed has been issued directing all FPS licensees to mandatorily display food grains entitlements under all present schemes of Government at a prominent place in the FPS for information of beneficiaries. Zonal Assistant Commissioners, F&S have been directed to closely monitor and ensure compliance of the directions. An SMS to all the PDS beneficiaries regarding the entitlement for DAL under PMGKAY has also been sent by the department.*

3. *That, the undersigned is willing and forever duty bound to any orders/directions issued by this Hon'ble Court."*

Keeping in view the aforesaid, this Court directs that respondent No.1 shall provide pulses (1 kg. Per family) in accordance with PM Garib Kalyan Ann Yojaja for a period of three months w.e.f. 16th May, 2020. Further, the respondent No.1 shall ensure that all Fair Price shops shall display information regarding entitlement of food grains in accordance with provisions of Targeted Public Distribution System (Control) Order, 2015.

In the event of any difficulty, the petitioner is given liberty to file an appropriate application.

With the aforesaid direction and liberty, present writ petition and application stand disposed of.

The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

MANMOHAN, J

SANJEEV NARULA, J

MAY 21, 2020

js