

29/09/2020

Item No.5

AB/S DE

Through Video Conference

W. P. A. 5993 of 2020

With

I.A. No.CAN/1/2020

(Old No. CAN/4165/2020)

Kaustav Dey

-Vs-

Union of India & Others

Mr. Kishore Dutta, Ld. AG,
Mr. Sayan Sinha ...for the State.

Mr. P. Chakraborty ...for the BPCL.

Mr. Suman Dey ...for the Respdt. 9.

We have perused the affidavit affirmed on 28.09.2020 by the proprietor of the 9th respondent which contains a solemn undertaking to this Court in paragraphs 5 and 6 thereof that the said respondent will not indulge in any activity as complained of in the Public Interest Litigation.

We are told that the copy of this undertaking has been served to the learned Counsel for the BPCL.

In furtherance of the earlier order minuted by us and the submissions made by the BPCL that they will oversee that no violation is made by the 9th respondent licensee of LPG cylinder distribution, we record that undertaking and direct that the BPCL will proceed with due action against the 9th respondent if the 9th

respondent is found to be violating the undertaking given hereby.

Let it be taken by the BPCL that if it does not act appropriately and in time, the Court may have to assume that due action will have to be followed not only against the licensee, 9th respondent, but also against the officers of the BPCL, who may fail in such situation.

The writ petition is, accordingly, disposed of along with the connected application.

(Thottathil B. Radhakrishnan, C.J.)

(Shampa Sarkar, J.)