

16.10.2020
Item no. SL-6
Court No.13
adeb

W.P.A. No. 7763 of 2020
With
IA No. CAN 1/2020
(Through Video Conference)
Gopal Purkait
Versus
The State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Lakshminath Bhattacharya
...For the petitioner

Mr. Sirsanya Bandopadhyay
Ms. Supriya Dubey
...For the State

The writ petitioner is aggrieved by an order dated 21st September, 2020 issued by the Sub-Divisional Controller (F&S), Diamond Harbour, South 24 Parganas suspending his MR Dealership for alleged acts of Omission and Commission.

The petitioner submits that the right to suspend could have been exercised by the SCF&S at the commencement of the proceedings but not at a subsequent stage.

There may be some substance in the petitioner argument but the minor procedural irregularities by the SCF&S cannot by itself vitiate the entire proceeding.

This court is therefore of the view that the interest of justice would be served if the SCF&S completes the proceedings drawn against the

petitioner under Section 24 of the Control Order, mandatorily and positively within a period of 45 days from the date of communication of this order.

The writ petitioner shall be afforded a complete opportunity to produce all documents that he may wish to rely upon within a period of 10 days from date.

The petitioner shall supplement his submissions both oral and writing to be given within a same period before the SCF&S. The SCF&S shall after the aforesaid procedure, which will include a personal hearing of the petitioner pass suitable orders within the time stipulated by this court.

In the event, the proceedings are not completed within the time as directed herein above, the same would lapse and would automatically stand vitiated.

With the aforesaid directions, the instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties are directed to act on a server copy of this order on usual undertakings.

(Rajasekhar Mantha, J.)