

01
04.03.2020
PP.

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 392 of 2019

Swapna Sarkar
-versus-
The State of West Bengal & Ors.

Mr. Jagriti Mishra,
Ms. Sreemoyee Ghosh Majumder
.....for the petitioner.

Mr. Subir Kumar Saha,
Mr. Hirak Barman
.....for the State.

The writ petition complains of an order dated 26th September, 2018 passed by the Director of Consumer Goods as upheld by the order dated 1st July, 2019 passed by the Principal Secretary, Department of Food & Supplies & Commissioner, Food, Government of West Bengal, by which the agent licence of the petitioner for distribution of S.K. Oil (subsidized kerosene oil) was terminated. The allegations levelled against the petitioner are subject matter of a pending criminal trial. The petitioner complains that the consignment slip was lying with the petitioner while the tanker carrying the kerosene oil was seized about 15-20 kilometers away from the depot. This gives rise to a doubt which remained unattended by the two authorities. The petitioner says that kerosene is a colourless product. The kerosene oil distributed through Public Distribution System is blue in colour, which is done by using a dye. If the dye was scientifically tested, then there may have been a difference in the dye used by Indian Oil Corporation Limited and the dye in the oil contained in the tanker which was seized. These are factual aspects which can be gone into only in the trial. The petitioner is

at liberty to raise all these points in the criminal trial which is pending.

The scope of the writ Court in exercising jurisdiction under Article 226 of the Constitution of India in respect of interference with the quasi-judicial orders is very limited, particularly when two authorities have come to the same conclusion.

I find no palpable illegality or inconsistency in the face of the two orders dated 26th September, 2018 and 1st July, 2019, which requires interference.

So far as non-consideration of the scientific test in respect of dye and the fact that the consignment slip was lying with the petitioner alleged to have not been considered in the orders impugned as held hereinabove, is a factual aspect which requires to be taken at the criminal trial.

The writ petition, therefore, stands disposed of.

Interim order, if any, stands vacated.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Arindam Mukherjee, J.)