

Court No. 22

AST 2 of 2021

27.01.2021 Magrahat-1 Large Sized Co-operative Marketing Society
(Unlisted) Ltd. & Anr.
Vs.
(S. Banerjee) The State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Subhankar Das

... for the petitioners

Mr. Susovan Sengupta
Mr. Subir Pal

... for the State-respondents

The petitioners have challenged one order of termination dated 21st January, 2021 which has been passed on the basis of an order dated 29th December, 2020. They have also challenged a further direction for handing over of his residual stock of food-grains to some other distributor as the said MR distributorship, after cancellation, has been temporarily tagged to the new MR distributor. Against such order of imposition of fine dated 29th December, 2020, where an amount of Rs. 35,99,910/- was imposed upon the MR distributor (the petitioners herein), the petitioner preferred an appeal on 11th January, 2021.

Admittedly the appeal has not been heard till date and everybody is waiting for the hearing and conclusion of the appeal. In the meantime during the pendency of the appeal, the order of termination dated 21st January, 2021 and subsequent order for transferring residual stock of food-grains, as aforesaid, has been passed on 25th January, 2021. Against these two orders this writ application has been filed.

After hearing the parties and after considering the materials on record I find that there should not be any blanket stay on the order of termination. On inspection certain irregularities were in fact detected which are under challenge as the petitioner is not admitting those shortcomings without any quantification. Learned advocate for the petitioners submits that the petitioners are able to explain again all the defects recorded in the order dated 29th December, 2020.

In such a situation, considering the facts and circumstances of the case, I direct the petitioners to deposit an amount of Rs. 15 lacs with the District Controller, (F&S), South 24-Parganas, being the respondent no. 4 herein, by 1st February, 2021.

If such deposit is made, the order of termination and the further order of transferring residual stock of food-grains shall remain stayed till the appeal is heard and decided. Till 2nd February, 2021 there shall be an unconditional stay of the termination order dated 21st January, 2021 and the transfer of residual stock of food-grains order dated 25th January, 2021.

If the deposit, as aforesaid, is not made by 1st February, 2021, the protection granted today by this court shall automatically be vacated and the respondent authorities will be at full liberty to take all steps in accordance with law in respect of transfer of MR distributorship.

It is made clear that if the petitioners succeed in the appeal, the amount of money will be refunded to the petitioners within a period of three working days from the date of the order that will be passed in the appeal.

It is mandatorily directed, as this court expects that the petitioners will deposit the money and will not

get any interest for the time period for which the money will be in the custody of the respondent no. 4, the appeal should be heard by 45 days from date after giving opportunity of hearing to the parties and without giving any unnecessary adjournments. If any adjournment is required to be given, that is to be given on very exceptional circumstances and any such adjournment has to be recorded in the order with reason for granting such adjournment.

With the above directions, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)