

18.06.2021
Court No. 19
Item no.22
CP

WPA No. 10147 of 2021

Sourish Sen
vs.
State of West Bengal & ors.

(via video conference)

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya
Mr. Neil Basu

.....for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal

....for the State.

The report filed by the State respondents is kept on record.

The writ petition has been filed challenging inaction on the part of the Director, District Distribution, Procurement & Supply, F & S Department, Government of West Bengal, the respondent no. 3 herein in disposing of the proceedings pending before him arising out of a representation made by the petitioner for allowing him to operate his business of M. R. distributorship which was made inoperative by the respondents allegedly in a discriminatory manner.

Mr. Sengupta, learned advocate appearing on behalf of the respondents, submits that a hearing was given to the petitioner. Necessary reports have

also been submitted before the authority by the District Controller. Mr. Sengupta further submits that the file is pending with the respondent no. 3.

Under such circumstances, without going into the merits of the case, this writ petition is disposed of with a direction upon the respondent no. 3 to pass a reasoned order on the basis of the documents filed by the petitioner and the reports filed in the proceedings with regard to whether the petitioner shall be allowed to continue as M.R. distributorship or not. If the authority is satisfied with the documents produced by the petitioner and with the report and is of the opinion that the business of the petitioner shall be allowed, then necessary orders will be passed and the petitioner should be allowed to open his godown and run his business. An order to that effect shall be communicated within a period of four weeks from date.

If it is found that the petitioner is not eligible then a notice of hearing shall be given to the petitioner. The petitioner shall be allowed to appear for such hearing and be given an opportunity to adduce evidence and documents in his favour. A reasoned order shall be passed. This exercise shall be completed within a period of eight weeks from date.

The concerned authorities shall proceed independently and in accordance with law.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

All parties are to act on the server copy of this order.

(Shampa Sarkar, J.)