

17.06.2021
Court No. 19
Item no.44
CP

WPA No. 10600 of 2021

Debdulal Maity
vs.
The State of West Bengal & ors.

(via video conference)

Mr. Ram Anand Agarwal
Mr. Prosenjit Mukherjee

.....for the petitioner.

Mr. Susovan Sengupta
Mr. Subir Pal

....for the State.

Affidavit of service is taken on record.

This writ petition has been filed by one of the heirs of an erstwhile kerosene dealer, since deceased. The application has been filed for a compassionate consideration of grant of the licence to the petitioner in terms of the West Bengal Kerosene Control Order, 1968. Records reveal that several communications have been made to the authorities concerned by the petitioner but the authorities have not taken a decision finally with regard to the application of the petitioner under Form D (Paragraph – 6) of the said control order.

It has been pleaded specifically by the petitioner in paragraphs 15 and 16 of the writ petition that the concerned office had verbally informed the petitioner that the file was lying with

the State Government for final approval with regard to the grant of licence. Although such communication was made verbally, based on such communication the petitioner also wrote another letter dated May 31, 2021 to the Sub-Divisional Controller, Food and Supplies, Ghatal.

Without going into the merits of the writ petition and the claim of the petitioner to get such licence, this writ petition is disposed of with a direction upon the concerned respondent, before whom the file is lying and who is responsible for granting the final approval to dispose of the matter upon considering the application of the petitioner. The said authority shall decide the eligibility of the petitioner in accordance with the provisions of the control order.

The concerned respondent before whom the file is lying and who is ultimately responsible for grant of approval shall either approve the application for grant of licence if the petitioner is found eligible under the provisions of law and the control order or if it is found that the petitioner is otherwise not eligible then a reasoned order should be passed and communicated to the petitioner upon hearing the petitioner. The petitioner shall be allowed to answer the queries and objections raised by the authority by making appropriate submissions and by filing any

additional evidence and documents. Seven days clear notice of hearing should be given to the petitioner.

In case the petitioner is found eligible then the approval should be granted within six weeks from the date of communication of this order and the licence shall be granted within four weeks thereafter.

In case the petitioner is found ineligible after hearing the petitioner a reasoned order should be passed and communicated to the petitioner within eight weeks from date of hearing of the petitioner.

The authority concerned shall exercise jurisdiction in accordance with law and independently.

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.)