

08.11.2021
Item No. 02
Crt.No.11
b.r.

MAT 1027 of 2021
with
IA No. CAN 1 of 2021, CAN 2 of 2021

Majnu Mistri
-vs-
The West State Bengal & Ors.

(Via video conference)

Mr. Rajendra Banerjee
Mr. Subhendu Roychowdhury
..... for the appellant.

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
..... for the State.

Party/parties is/are represented in the order of their appearance as printed above in the cause title.

The appellant is represented by Mr. Rajendra Banerjee, Learned Counsel.

The appellant is a Fair Price Shop (FPS) dealer and his FPS licence was suspended for violating the West Bengal Public Distribution (Maintenance and Control) Order, 2013 (for short, the 2013 order).

Finally, after extending to the appellant the benefit of a hearing, the appellant was slapped with a penalty of Rs.50,000/- (Rupees Fifty Thousand only) to be paid within a specified time.

The appellant is aggrieved by the fact that although he paid Rs. 30,000/- (Thirty Thousand) within the specified time, the respondents are refusing to accept the balance penalty amount of Rs. 20,000/- (Twenty

Thousand), the same being beyond the time specified by the penalty notice. The Hon'ble Single Bench refused to extend the time for depositing the balance amount.

Mr. Banerjee submits that the appellant is out of work and is ready with the amount, which could not be paid within time owing to his financial distress.

The State is represented by Mr. Susovan Sengupta, learned Counsel with Mr. Manas Kumar Sadhu, learned Advocate.

Having heard the parties and considering the materials placed, this Court is of the view that since the appellant is ready and willing to pay the complete penal amount, his willingness should be equitably dealt with.

Accordingly, the appellant shall pay the balance amount of Rs. 20,000/- (Rupees Twenty Thousand only) in the manner as specified by the Notice dated 13th of April, 2017 within a period of one week from today.

The respondent authority shall receive such payment and, on such receipt of subject payment within the further period of a week thereafter, the FPS licence of the appellant shall be restored upon compliance with the necessary formalities.

With the above directions, the appeal being **MAT 1027 of 2021** along with **CAN 1 of 2021, CAN 2 of 2021** stand **disposed of**.

Since affidavits are not invited, allegations made in the appeal are deemed not to have been admitted.

Affidavit of Service filed in Court today be retained with the record.

All parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kesang Doma Bhutia, J.)

(Subrata Talukdar, J.)