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Ct. 05
02.02.2022

**W.P.A. No. 16540 of 2021
(Via Video Conference)**

**Koushik Biswas
Vs.
The State of West Bengal & Ors.**

Mr. N. I. Khan,
Mr. Amlan Kr. Mukherjee ... For the petitioner.

Mr. Srijan Nayak,
Mrs. Rituparna Maitra ... For the State respondents.

The petitioner is aggrieved by the rejection of his application of a permit in a route within West Bengal by the resolution of the Regional Transport Authority Board. The impugned resolution is dated 11th January, 2021 and the reason for the rejection is that the applicant is not in a position to provide a BS – VI Bus.

Learned counsel appearing for the petitioner relies on Rule 141 of the West Bengal Motor Vehicles Rules, 1989 to submit that the applicant should be given one month to produce such vehicle.

Learned counsel appearing for the State is present.

Upon hearing learned counsel, this Court is not convinced of the construction given to Rule 141 of the West Bengal Motor Vehicles Rules, 1989. However, since it appears to be unreasonable on the part of the R.T.A. to expect that an applicant would have purchased a BS – VI Bus even before the application

is considered by the authorities without giving the applicant a reasonable amount of time to purchase and produce the required vehicle, the impugned decision is set aside.

The respondent no. 2 is directed to consider the application of the petitioner afresh within a period of four weeks from date and pass an order under the applicable statutory provisions.

W.P.A. 16540 of 2021 is disposed of in terms of the order.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Moushumi Bhattacharya, J.)