

Ct. 05
Item No.46
14.01.2022
(suvendu)

WPA 18246 of 2021

[Via Video Conference]

**Samaresh Bhattacharya
Vs.
State of West Bengal & Ors.**

Mr. Dilip Kr. Samanta
.....for the petitioner

Mr. Amal Kr. Sen
.....for the respondent no.1

Affidavit of service is taken on record.

The short point in this writ petition is whether an application made by the petitioner for Stage Carriage Permit in the specified route on 10th June, 2019 can be assessed in terms of the norms prevailing for grant of permission on 18th September, 2021, which is the date of the impugned order.

According to learned counsel appearing for the petitioner, on the date of making the application, which is 10th June, 2019, the petitioner's vehicle was BS-III compliant. The RTA, however, took more than two years to decide the fate of the application and the petitioner's application was accepted subject to the condition of the petitioner's producing a BS-VI vehicle, amongst the two conditions given in the impugned decision. A representation made by the

petitioner against such decision on 8th November, 2021 has not been replied to.

Learned counsel appearing for the State submits that it is not clear whether the petitioner has made fresh application for State Carriage Permit or has sought for renewal of his earlier permit which apparently lapsed some time ago. Counsel relies on an earlier representation made by the petitioner on 16th December, 2019 to show that the petitioner has not processed the application for renewal and that the authority cannot demand outstanding dues or fine for such reason.

Upon hearing learned counsel, this Court is of the view that the issue whether the petitioner has sought for renewal or fresh permit is not relevant. It is clear from the document and the averments made in the writ petition that the petitioner made the application for grant of Stage Carriage Permit on 10th June, 2019. There is no perceivable reason for the undue delay on the part of the respondents to consider and decide the said application. The impugned order was passed on 18th September, 2021 by the RTA Board requiring the petitioner to produce a BS-VI vehicle. Notably, the decision of placing a BS-VI compliant vehicle for giving Stage Carriage Permit was taken by the RTA on 11th January, 2021. This decision must be treated as being prospective

for applications submitted before the RTA after 11th January, 2021. The petitioner's application was made on 10th June, 2019 and the RTA, therefore, treated the requirement of placing a BS-VI compliant vehicle with retrospective effect in the case of the petitioner. The impugned order dated 18th September, 2021 is accordingly set aside.

The RTA, being the respondent no. 2, shall consider and expeditiously dispose of the representation made by the petitioner on 8th November, 2021 preferably within a period of four weeks from date. A reasoned order shall be passed upon hearing all concerned parties including the petitioner and a copy of such order shall be made available to the petitioner within a week from the date on which such reasoned order is passed.

WPA 18246 of 2021 is disposed of accordingly.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)