

23.11.2022
sayandeep
Sl. No. 07
Ct. No. 05

WPA 19969 of 2022

Sri Bivas De
-Versus-
The State of West Bengal & Ors.

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar
Mr. Prasad Bhattacharyya
..... for the petitioner

Mr. Raja Saha
Mr. Debasish Ghosh
.....for the State

The petitioner has challenged an order of the Collector of Excise on 24.06.2022 by which the Collector has taken an unreasonable stand in respect of the admitted facts of the matter. The petitioner's application for excise licence is of 2013, the petitioner made a representation on 22nd February, 2022 and the Collector decided that the petitioner will have to wait for the approval of the State Government which is also discretionary. This is a high-handed stand to say the least.

The petitioner in the meantime also received a letter on 21st September, 2022 from the Excise Commissioner asking the petitioner to make a fresh application under the Notification dated 26.08.2021 involving non-refundable application fees.

Learned counsel appearing for the State clarifies that the Notification on 26.08.2021 consist of a three-

tier system of approvals and that all the processes of enquiry and related formalities are already complete.

The records before the Court admittedly show that the petitioner has been waiting for an excise licence since 2013. The Commissioner now relies on a 2021 Notification and asks the petitioner to make a fresh application. This Court is hence of the view that since a new Notification is in place, the petitioner should be directed to make a fresh application as required. The State respondent and all related authorities shall complete the process under the 2021 Notification within a period of four weeks from the date on which the application is filed by the petitioner.

WPA 19969 of 2022 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)