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13.12.2022
Ct. No.10
b.das

WPA 22330 of 2022

Goutam Kumar Sarangi
Vs.
The State of W.B. & Ors.

Mr. Arabinda Chatterjee
Ms. Kakali Dutta
Ms. A. Biswas ...for the petitioner.

Mr. Pantu Deb Roy
Mr. Anand Formania ...for the State.

On prayer of the petitioner, liberty is granted to correct the nomenclature of the 1st respondent in the writ petition.

Heard learned counsels for the parties.

Pursuant to an order passed by this Court on December 8, 2021 in WPA 11320 of 2020 directing the Additional Secretary, Transport Department, Government of West Bengal to pass a reasoned order disposing of the representation submitted by the writ petitioner dated 9th October, 2020 within a stipulated time frame, the representation was taken up for consideration by the Additional Secretary, Transport Department who, by an order passed on 25th July, 2022, turned down the prayer of the petitioner primarily on the ground that the vehicle was registered in the State of Odisha and not in West Bengal and therefore, the petitioner was not entitled to

exemption of taxes. The said order has been assailed by the petitioner in the present writ petition.

It is submitted on behalf of the petitioner that though a detailed representation was submitted before the authority in the form of written submission explaining the circumstances that prevented the petitioner from operating his vehicle in the State of West Bengal, the same was not considered by the authority in rejecting the representation. Also, relevant provisions of West Bengal Motor Vehicles Tax Act, 1979 and the West Bengal Additional Tax and One-time Tax on Motor Vehicles Act, 1989 were not taken into consideration by the authority.

The petitioner prays for a fresh consideration of his prayer by the concerned authority.

Upon consideration of the submission made on behalf of the parties and material on record, this Court is inclined to hold that since the order impugned has been passed by the Additional Secretary, Transport Department, the matter be remanded back for reconsideration by the Principal Secretary, Transport Department, Government of West Bengal, being the 1st respondent herein, upon affording reasonable opportunity of hearing to the petitioner within a stipulated time frame.

The order impugned dated 25th July, 2022 is set aside.

In view of the above, the writ petition is disposed of directing the 1st respondent to consider the representation

as well as the written submission made by the petitioner within two months from the date of communication of this order upon affording reasonable opportunity of hearing to all the interested parties including the petitioner or his authorised representative, in accordance with law.

In considering the said applications, the 1st respondent shall be at liberty to deal with the prayer of the petitioner without taking into consideration the observation made either in this order or in the order passed by the Additional Secretary, Transport Department on 25th July, 2020.

The petitioner or his authorised representative shall be at liberty to place his submission as well as relevant documents in support of his claim before the 1st respondent at the time of hearing.

The decision taken by the authority shall be communicated to the petitioner within a fortnight thereof.

A copy of this order alongwith the copy of the representation submitted by the petitioner dated 9th October, 2020 and written submission dated 31st January, 2022 be handed over to the 1st respondent by the petitioner at the earliest.

With the above observations and directions this writ petition being WPA 22330 of 2022 is disposed of.

However, there shall be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

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

(Suvra Ghosh, J.)