

30<sup>th</sup> September, 2022  
(D/L No.13)  
(SKB)

**W.P.A. 22917 of 2022**

M/s. Durga Securities & Services and another  
Versus  
The State of West Bengal and others

Mr. Dibyendu Chatterjee,  
Mr. Pratim Majumdar,  
Ms. Piyali Paul

... for the petitioners.

Mr. Raja Saha,  
Mr. Shayak Chakraborty

... for the State.

The affidavit of service is kept on record.

The petitioners are aggrieved by the inaction on the part of the Home (Political) of the Government of West Bengal with reference to an application made by the petitioners for renewal of licence of the petitioners' security agency. The application was made on 18<sup>th</sup> July, 2022 and the petitioners paid the requisite fees under the relevant Regulations on 16<sup>th</sup> May, 2021. Both these facts are evident from the documents on record.

Section 8 of The Private Security Agencies (Regulation) Act, 2005 provides that an application for renewal of licence shall be made to the Controlling Authority, not less than forty-five days before the date of expiry of the period of validity thereof, in such form as

may be prescribed and shall be accompanied by the requisite fee and documents.

In the present case, the petitioners' licence expired on 31<sup>st</sup> May, 2021 and the application was made on 18<sup>th</sup> July, 2022. Although the application was made beyond the time provided under Section 8, the respondent authority accepted the licence fee of Rs.10,000/- on 16<sup>th</sup> May, 2021 without demur.

In similar circumstances, a learned Single Judge of this court had held that the petitioners' application deserves to be accepted and the respondents were directed to take follow up steps and take a decision. The order was passed on 17<sup>th</sup> April, 2016 in W.P.5815 (W) of 2016.

This court is also of the view that having accepted the licence fee of the petitioners way back on 16<sup>th</sup> May, 2021, the State cannot refuse to act in terms of the 2005 Act.

The urgency is also apparent since the petitioners intend to participate in a tender, which is due to open on 6<sup>th</sup> October, 2022.

W.P.A.22917 of 2022 is accordingly disposed of with a direction on the respondent no.2 being the Joint Secretary, Home and Hill Affair Department, Government of West Bengal, to consider the application made by the petitioners and take a decision by 4<sup>th</sup>

October, 2022. The decision shall be communicated to the petitioners on 4<sup>th</sup> October, 2022 itself so that the petitioners have adequate time to participate in the tender process, if the petitioners are considered eligible as such.

**(Moushumi Bhattacharya, J.)**