

09.11.2022

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Sl. No. 07

Ct. No. 05

WPA 23144 of 2022

Sougato Khonari

-Versus-

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya

Mr. Anindyaa Bose

Mr. Raju Bhattacharyya

Mr. Diptendu Mondal

..... for the petitioner

Mr. Amal Kr. Sen

Mr. K.M. Hossain

.... for the State

The grievance of the petitioner relates to an order dated 21st September, 2022 passed by the Special Excise Commissioner, Revenue Excise, State of West Bengal. The petitioner applied for a licence for a Restaurant-cum-Bar on 19th February, 2020. By an order dated 6th September, 2022, an earlier writ petition filed by the petitioner against the inaction of the respondent authorities was disposed of with the direction on the respondents to expedite the process.

The petitioner's grievance now is that the impugned order mentions two conditions, alleged non-compliance of an amendment brought about by Notification on 26th August, 2021. The earlier Rule 9(1) 3rd Proviso of The West Bengal Excise (Selection of New Sites and Grant of License for Retail Sale of Liquor and

Certain Other Intoxicants) Rules, 2003 was modified. The amended Rule lays down new procedure, particular line in nature, which an applicant must follow for grant of a licence under the Rules.

Learned counsel appearing for the State also relies on a follow-up Notification dated 3rd September, 2021 which lays down the procedure in further detail.

Since it is evident that the petitioner is required to follow the procedure as laid down in the Amendment to Rule 9(1) of the 2003 Rules as notified on 26th August, 2021 and 3rd September, 2021, WPA 23144 of 2022 is disposed of with liberty to the petitioner to make a fresh application under the amended Rules as placed on behalf of the State within four weeks. The application shall be processed by the concerned respondent within a reasonable period of time but not exceeding six weeks from the date of receipt of the application.

The impugned order dated 21st September, 2022 is set aside.

It is made clear that the Court has not gone into the merits of the case.

(Moushumi Bhattacharya, J.)