

SI No.29
01.03.2022.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 95 of 2022
Shri Rabi Sarkar**

-versus

The State of West Bengal & Ors.

Mr. Arkadipta Sengupta
Mr. Debanjan Das
... for the petitioner.

Mr. Subir Kumar Saha
Mr. Bikramaditya Ghosh
... for the State respondents.

The petitioner is aggrieved by the notification being No. 2067-FT dated December 27, 2019 published in the Kolkata Gazette Extraordinary whereby Rule 4(q) of the West Bengal Excise (Selection of Sites and Grant of License for Retail Sale of Liquor and Certain other Intoxicants) Rules, 2003 has been omitted.

The petitioner was initially granted license under the said provision. The said license stood suspended by the order of the Excise Commissioner, West Bengal in view of the impending General Election 2019. The petitioner intends to carry on the business, accordingly requires a license to be issued in his favour.

The petitioner relies upon an order dated December 23, 2021 passed by a co-ordinate Bench of

this Court in WPA 16777 of 2021 (Amrita Dasgupta v. The State of West Bengal & Ors.) wherein the Court was pleased to grant liberty to the petitioner to apply for fresh license for off-shops.

As it appears that the facts of the present case are similar to the facts of the case relied upon by the petitioner in the matter of Amrita Dasgupta (supra), accordingly similar order is passed herein.

The petitioner will be at liberty to apply for fresh license for off-shop at his existing site or otherwise. If such application is made, the respondents shall consider the same strictly in accordance with law, within a period of three months from the date of making the application.

The concerned authority shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

As the earlier license of the petitioner stood suspended in view of the order passed by the Excise Commissioner, accordingly it will be open for the petitioner to apply for adjustment of the license fees already deposited.

The respondents shall consider the prayer of the petitioner for adjustment of the fees which has already been paid against new application.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)