

02.03.2023
Court No.12
S/L. No. 11
Suvayan

FMA 1154 of 2019

Jatindra Nath Das
Vs.
The State of West Bengal & Ors.

Mr. Krishnendu Bera
Ms. Debolina Chakraborty

...for the appellant.

Mr. Susovan Sengupta
Mr. Subir Pal

...for the State.

Heard Mr. Bera, learned Counsel for the appellant and Mr. Sengupta, learned Counsel for the State.

It is fairly submitted by Mr. Bera, learned Counsel for the appellant that the M.R. dealership licence of the appellant was suspended on the ground that a criminal case was pending against him under the provisions of The West Bengal Anti Profiteering Act, 1958. The appellant was, however, acquitted from the charge after nine years, i.e., in 1979 from the date of suspension of his licence. Thereafter the appellant filed a petition before the appropriate authority of the respondents to revoke the order of suspension. The appropriate authority, however, conveyed to the appellant that his dealership has been terminated as he had withdrawn the security amount for the dealership in the meantime.

In course of hearing, Mr. Bera, learned Counsel for the appellant draws our attention to Annexure P-11 to the memorandum of appeal which is a report of the

Chief Inspector (F & S), Kalyani, Nadia. In the said report dated March 4, 2014, it is found that M.R. dealership licence issued in favour of the appellant was not cancelled and the agreement was still in existence on the date of report dated March 4, 2014 though the appellant had already withdrawn the security deposit on 11.03.1980.

We are conscious of the fact that in the meantime two Control Orders, i.e., 2003 Control Order and 2013 Control Order have come into effect after the promulgation of Central Control Order, 2001.

In view of such development, we direct the appellant to file a detailed representation before the Secretary, Food and Supplies Department (respondent No. 1) within 3 weeks from today along with a copy of the memorandum of appeal containing all the annexures including Annexure P-11. The Secretary, Food and Supplies Department (respondent No. 1) is directed to consider the grievance of the appellant taking into consideration the report of the Chief Inspector (F & S), Kalyani, Nadia vide Annexure P-11 to the memorandum of appeal within a period of 3 months from the date of filing of the representation. If learned Secretary, Food and Supplies feels it expedient, opportunity of hearing be given to the appellant.

Needless to mention here that if the dealership is still vacant and there is no bar in the extant Control

Order, i.e., 2013 Control Order to grant dealership licence to the appellant, then such licence be granted in his favour on the discretion of learned Secretary, Food and Supplies in accordance with the extant Control Order after observing all the formalities.

With the aforementioned observation, the appeal being FMA 1154 of 2019 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)