

28.03.2023
sayandeep
Sl. No. 21
Ct. No. 05

WPA 520 of 2023

Dipanwita Sarkar
-Versus-
The State of West Bengal & Ors.

Mr. Aniruddha Tewari	
Mr. Amrit Sinha	for the petitioner
Ms. Chaitali Bhattacharya	
Mr. Kartik Ch. Kapas	 for the State
Mr. Puspendu Chakraborty	for the IOCL
Ms. Papiya Chattopadhyay	
Md. Bahamazzaman	 for the respondent No. 13

The petitioner prays for a direction on the concerned State respondents to issue No Objection Certificates to the petitioner in respect of a LPG distributorship which was arranged for in July, 2022. The petitioner claims that the petitioner has already been granted six certificates/no objections by different authorities which includes a certificate from WBSEDCL, Fire Licence, Explosive Licence, Conversion Certificate from the DL&LRO and a Certificate from the local Gram Panchayat. The petitioner also relies on a communication from the office of the BDO, Nakashipara, Nadia which states that the objection raised by some of the local people against the LPG storage godown is without basis. The communication is

of 31.07.2020 and issued by the authorized officer of the BDO, Nakashipara. The petitioner now seeks two more NOCs from the BL&LRO and from the Inspector-in-Charge of Nakashipara along with a final No Objection from District Magistrate for commissioning of the LPG distributorship.

Learned counsel appearing for the petitioner, the State, the Oil Company as well as the private respondent No. 13 have been heard.

The relevant fact shows that the initial letter of intent granted by IOCL in favour of the petitioner was challenged by the private respondent No. 13. This writ petition was dismissed and the appeal filed from the decision was also dismissed. The private respondent Nos. 11 and 12 thereafter filed Public Interest Litigation before the Division Bench in 2022. It appears from a communication dated 16.03.2023 from the BL&LRO, Nakashipara that pendency of this PIL is the only ground for refusal of the three remaining certificates which the petitioner needs for continuing the distributorship.

The letter dated 16.03.2023 from the BL&LRO, Nakashipara specifically states that the authority received information from a public portal about the pendency of the PIL which was filed against the proposed LPG godown of the petitioner. The letter does not contain any other reason for the authority to back-

track or delay in issuing of the necessary certificates to the petitioner.

The pendency of the PIL cannot be a reason for the delay in issuance of the required certificates to the petitioner. This would be further evident from an order passed by the Division Bench in the PIL on 07.02.2023 which records that no interim direction has been issued by the Court in the PIL.

This Court is hence unable to comprehend as to why the concerned BL&LRO would keep the petitioner waiting for the NOCs when the petitioner took required steps for the distributorship from July, 2022. The pendency of the PIL or the review application filed by the respondent No. 3 against the dismissal of the appeal cannot be a ground for the authority to refuse to take action.

WPA 520 of 2023 is disposed of with the direction on the respondent Nos. 5,8 and 9 to consider the eligibility of the petitioner for the required certificates and make an independent assessment of the same. The concerned authority shall come to a reasoned decision within three weeks from the communication of this decision on it. A copy of the decision shall be made available to the petitioner. The impugned communication of 24.11.2022 issued by the IOC is quashed. As suggested by learned counsel appearing for the State, the respondent No. 9 shall take the steps

as directed through the Officer of the Superintendent of
Police, Nadia.

(Moushumi Bhattacharya, J.)