

13th March, 2023
(D/L No.26)
(SKB)

W.P.A. 645 of 2023

Sefali Pramanick and another
Versus
The State of West Bengal and others

Mr. Arnab pramanick
... for the petitioners-in-person.

Mr. Raja Saha,
Mr. Prantik Gorai
... for the State.

The petitioners are the wife and one of the sons of one late Joydeb Pramanick, who was the original licensee of a liquor shop situated at Dakshin Barasat, South 24 Parganas. The original licensee passed away on 8th February, 2021. Basudev Pramanick being the uncle of the petitioner no.2 was inducted as a joint licensee in 2001 and remains the existing licensee of the liquor shop.

The petitioners are aggrieved by an order passed by the Collector of Excise on 4th April, 2022 by which the Collector, 24 Parganas(South), expressed his view that the petitioners along with all the existing joint licensee should be inducted as legal heirs to the licensee. The petitioners are not happy with this order and claim exclusive licence to the shop.

Whatever be the merits of the contentions of the petitioners, Rule 3 of the consolidated Rules framed under Section 85 of The Bengal Excise Act, 1909 provides that an appeal from an order of the Collector shall lie to the Commissioner of Excise.

Since the petitioners have not challenged the order within the statutory appellate framework of the Act, W.P.A.645 of 2023 is disposed of with liberty to the petitioners to challenge the impugned order before the Commissioner of Excise within one month from date. The time period under Rule 5 is enlarged to give liberty to the petitioners to take steps in accordance with the consolidated Rules framed under The Bengal Excise Act, 1909. The petitioners shall be at liberty of taking all points before the Commissioner of Excise including points raised before the court.

(Moushumi Bhattacharya, J.)