

08 10.05.2023
NB Ct. 39

WPA 3554 of 2023

Ranjit Mitra
Vs.
The State of West Bengal & Ors.

Mr. Ranjit Mitra.
...for the petitioner in person.

Mr. Nilatpol Chatterjee,
Mr. Amrita Lal Chatterjee.
...for the State.

Mr. Sanjay Saha.
...for the respondent no.3

This is an application under Article 226 of the Constitution of India, thereby, praying for direction upon the respondent authorities to initially issue a super distributorship of MR, SR and AR of ration articles for Burdwan, Nadia and Uttar Dinajpur of rice, wheat, sugar and kerosene oil on commission basis.

The petitioner appearing in person submits as follows.
On 08.07.2002, the petitioner was appointed as the marketing associate for institutional sales as per appointment given by Senior Executive, Lily Biscuit Company, Government of West Bengal. On 01.11.2003, the petitioner was certified and appointed for supply of the biscuits in hospitals of West Bengal and was also appointed as marketing associate for institutional sales on case to case basis. Thus, the petitioner has vast experience in the area of marketing associates. It is further claimed that the petitioner is under the BPL list. This relationship with the Lily Biscuit Company ended in 2005.

Thereafter, the petitioner made a representation before the respondent authorities for issuance of license for distribution of ration articles as a super distributorship for the districts of Burdwan, Nadia and Uttar Dinajpur in respect of rice, wheat, sugar and kerosene oil. By an order dated 12.06.2018 passed in WP No.3896(W) of 2018, this Court directed the respondent authorities therein to consider the petitioner's representation. Being aggrieved with the consideration of such representation in the negative, the petitioner filed a contempt application being CPAN No.893 of 2018. However, the same was disposed of on 08.07.2022 with liberty to pray to take appropriate steps. Accordingly, the petitioner has filed the present application.

Learned counsel appearing on behalf of the State relies on the impugned order dated 28.08.2018 passed by the respondent no.2 and submits as follows. The Public Distribution System under the State of West Bengal is covered by certain Control Orders issued by the Central and State Governments in exercise of powers conferred under Section 3 of the Essential Commodities Act. These are (a) The Targeted Public Distribution System (Control) Order, 2015, (b) The West Bengal Public Distribution System (Maintenance & Control) Order, 2013 and (c) The West Bengal Urban Public Distribution System (Maintenance & Control) Order, 2013. After the enactment of the National Food Security Act, 2013, the State Government is empowered to distribute PDS articles by following the procedure laid down in the Control Orders. None of the above Control Orders have any concept of engagement of super distributor and such concept of super distributorship is

alien to the system. Therefore the petitioner's prayer for engagement as a super distributor for distribution of rice, wheat and sugar was not tenable in the eyes of law. In fact, the petitioner had never been appointed either a distributor or as a dealer under the Control Orders. As such, the prayer of the petitioner is quite misconceived. The order passed in the contempt application clearly recorded that since the alleged contemnor had already disposed of the representation in time, there was no justification in the allegations made in the contempt application.

Learned counsel for the respondent no.3 adopts the submissions advanced on behalf of the State.

I have heard the submissions of the petitioner appearing in person and the learned counsels for the respondent and have perused the writ petition.

It appears that at some point, the petitioner had been engaged as a marketing associate of the Lily Biscuits Company, which however ended quite soon. He was neither a distributor nor a dealer under the Public Distribution System.

Moreover, there is no concept of super distributorship in the Control Orders governing the field.

The petitioner has not been able to come up with anything to show that he has any right to be considered even for distributorship or dealership as envisaged under the Control Orders.

Therefore, the writ petition is without any merit. Accordingly, the same is dismissed.

However, there shall be no order as to costs.

The petitioner, however, shall be entitled to apply for a distributorship or a dealership under the Control Orders pursuant to any vacancy notification, when the same arises, in accordance with law.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)