

13.06.2023
rc/ct.no.10
Item No.104

WPA No. 4959 of 2023
Mr. Ejaj Ahmed
Versus
The State of West Bengal & Ors.

Mr. Shovendu Banerjee
Mr. Soumyajit Mishra ...for the petitioner

Mr. Santanu Kumar Mitra
Mr. Sudip Sarkar ...for the State

Report in the form of affidavit submitted by the State-respondents and the exception to the said report submitted by the petitioner are taken on record.

The petitioner claims to be a registered manufacturer of e-rickshaw and has alleged that the respondent authorities have sealed his manufacturing-cum-sales office on February 01, 2023 on the allegation of unauthorised manufacturing of e-rickshaws therein. The petitioner submitted a representation ventilating his grievance before the concerned authority on February 08, 2023 which was considered and turned down by the authority by an order passed on March 10, 2023 on the ground that the Temporary Certificate of Registration (in short, "TCR") of the vehicles manufactured by the petitioner was not in possession of the petitioner on the date of raid of the unit. The order demonstrates that permission was granted in favour of the petitioner by the respective authority subsequent to the raid programme carried out by the authority. The manufacturing unit of the

petitioner was sealed since the petitioner was unable to produce the TCR before the authority at the relevant time.

It is not in dispute that the relevant approval has been accorded in favour of the petitioner by the authority subsequent to the raid. In view of the changed circumstances, the petitioner seeks liberty to approach the authority by a fresh application for removal of the seal and padlock of the unit of the petitioner in order to enable the petitioner to carry on the manufacturing business.

It is submitted on behalf of the respondents that the 7th respondent be directed to consider the representation of the petitioner in accordance with law.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 7th respondent within 7 days from date. The 7th respondent is directed to consider and dispose of the representation within three weeks from the date of receipt thereof after affording reasonable opportunity of hearing to the petitioner and taking into consideration the changed circumstances to be put forward by the petitioner in the representation, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

With the above observations and directions this writ petition is disposed of.

There shall be, however, no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)