

999(ML)
16.05.2023
Ct. No.10
b.das

WPA 4971 of 2023

Smt. Basanta Manjari Das
Vs.
The State of W.B. & Ors.

Mr. S. N. Mukherjee
Sk. Samim Akhter
Ms. A. Nusrat ...for the petitioner.

Affidavit of service filed by the petitioner is taken on record.

None appears for the State respondents despite service.

Mr. Pantu Deb Roy alongwith a junior of his choice, who usually appear for the State and are present in Court, are requested to represent the State in the matter.

The appointment of Mr. Roy alongwith Mr. Pannalal Bandyopadhyay be regularized by the office of the learned Legal Remembrancer.

The petitioner should serve copy of the writ petition alongwith all annexures thereto to Mr. Roy in course of this day.

Heard learned counsels for the parties.

It is contended on behalf of the petitioner that the vehicle in question bearing registration No.OD-01AG-4733, was registered in her name on 30th April, 2020 by the Regional Transport Office, Balasore, Odisha. The office of the STA, Odisha by a communication issued on 19th April,

2021, requested the STA, West Bengal to countersign the permit issued by the STA, Odisha upon replacement of the earlier vehicle. The vehicle could not be plied from 1st April, 2020 to 30th March, 2022 due to unavoidable circumstances for which the petitioner approached the respondent authorities for counter-signature of the permit upon exemption of tax and additional tax since the same was not applicable due to non-plying of the vehicle by the petitioner.

In reply to the petitioner's request, the concerned authority being the RTO and Ex-officio Assistant Director, STA, West Bengal by a letter issued on 5th January, 2023 informed the petitioner that the exemption of tax and additional tax is the policy matter of the transport department and may be referred to the said department.

The petitioner submitted a fresh representation before the Taxing Officer, PVD, Kolkata on 8th February, 2023 requesting exemption of tax and additional tax, which is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the State respondents submits that the 5th respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 5th respondent to consider and dispose of the representation submitted by the petitioner dated 8th

February, 2023 within a period of one month from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner and considering the relevant documents to be produced by the petitioner before the authority at the time of hearing, in accordance with law.

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

In the event the concerned authority decides the representation in favour of the petitioner, necessary consequential steps be taken by the authority within two weeks thereof.

With the above observations and directions this writ petition being WPA 4971 of 2023 is disposed of.

However, there shall be 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 supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)