

AD-39
Ct No.09
14.07.2023
TN

WPA No. 15760 of 2023

Kamala Saha and others
Vs.
The State of West Bengal and others

Mr. Krishnendu Sarkar,
Ms. Meghla Das

.... for the petitioners

Mr. Jyoti Prakash Chatterjee,
Ms. Sinthia Bala

.... for the State

Learned counsel for the petitioners contends that the petitioners had a joint licence in respect of running a liquor shop. Subsequently, due to internal dispute, the licence was cancelled. Thereafter, the matter went up to an appellate forum, where the petitioners agreed to run the liquor shop jointly again. Accordingly, as per the direction of the appellate authority, an affidavit was filed by all the petitioners to that effect. The petitioners also sought to deposit the late fine for making such application. However, the calculations raised by the respondent-authorities in that regard did not match the relevant provision of law, that is, Rule 14(5) of the governing Regulations.

It is submitted that thereafter, the petitioners gave representations to the respondent-authorities in that regard, disclosing the exact number of days of

delay and annexing previous demand notices from the authorities themselves, which were in consonance with the relevant provision.

Thereafter, upon the petitioners writing again to the respondent-authorities, it was intimated on February 28, 2023 to the petitioners that a revised calculation of late fee had been placed before the Collector, Paschim Bardhaman for approval. A fresh letter was requested from the petitioners after approval of the Collector, Paschim Bardhaman.

It is submitted that, unfortunately, the Collector, which is a revenue earning authority, is still sitting tight over the matter, thereby not only hampering the running of the liquor business of the petitioners, but also adversely affecting the interest of the State regarding earning of revenue.

Heard learned counsel for the parties.

It transpires that the petitioners' grievance is justified.

Accordingly, WPA No. 15760 of 2023 is disposed of by directing the respondent no. 3, that is, the Additional District Magistrate (G) & Collector of Excise, Paschim Bardhaman to take a decision on the revised calculation of late fee placed before him as expeditiously as possible, positively within a week

from date. Immediately thereafter, the said revised calculation shall be intimated to the petitioners.

The entire exercise, as envisaged above, shall be completed positively within two weeks from date. Thereafter, upon the petitioners complying with all the formalities, including payment of the late fees, due action shall be taken by the respondent-authorities with regard to grant of the fresh licence in favour of the petitioners.

The parties shall act on the server copy of this order, without insisting upon prior production of a certified copy.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)