

D/L. 4.
October 3, 2023.
MNS.

WPA No. 22434 of 2022

Sudhir Kumar Das
Vs.
State of West Bengal and others

Mr. Gopal Chandra Das,
Mr. Rudranil De

... for the petitioner.

Mr. Asish Kumar Guha,
Mr. Anirban Datta

...for the State.

1. Learned counsel for the petitioner challenged an order dated September 13, 2022 by way of a communication from the Divisional Forest Officer and Authorised Officer for Wood Based Industries, Purba Medinipur Forest Division, whereby the said authority claimed an allegedly exorbitant amount of Rs.56,920/- from the petitioner for renewal of the petitioner's licence to run a saw mill.
2. It is argued that although the petitioner applied for renewal in the year 2012, the same was kept pending so long due to a pending dispute raised by a third party. After resolution of the same, the petitioner has been communicated with the said charges.

3. It is submitted that the petitioner is entitled to a renewal by treating his application to be made as in the year 2012 and not a current renewal application.
4. Learned counsel for the respondent authorities places reliance on the Minutes of the 5th Meeting of State Level Committee (SLC) on Wood Based Industries, West Bengal, held on June 13, 2022 at Aranya Bhawan, where all the stakeholders were parties. The parties thereto, including the Principal Chief Conservator of Forest, General Manager, IGF, Integrated Regional Office, etc. as well as a representative of saw mill and wood based industries nominated by the Saw Mill Association and the General Secretary and nominated representative of the Timber Merchants' Association of Siliguri.
5. The Committee came to the decision that renewal of saw mills would be done in terms of the guidelines as stipulated in the said minutes. The matter regarding the mills whose renewal was still pending, it was decided, would be given a final chance to complete their renewal within August 31, 2022 subject to realization of fees and fines and

also by realization of an additional amount of Rs.1,000/- lumpsum fine.

6. Upon hearing learned counsel for the parties, it transpires that in his communication dated February 10, 2012, the petitioner had referred to an application for renewal of licence allegedly submitted on February 6, 2012 through the Range Officer, Panskura S.F. Range.
7. Due to certain objections raised by a third party, the renewal was apparently kept pending for so long. Although the authority submits that the application of the petitioner for renewal was not proper, not adhering to Form 3 as required, the said objection cannot be accepted at this belated juncture since a period of 11 year have passed in the meantime without any communication by the respondent authorities to the petitioner as regards the application of the petitioner being faulty.
8. However, it is seen from the Minutes of the State Level Committee, handed over today in court and kept on record, that the respondent authorities are entitled to claim the additional amount as stipulated therein.

9. Since all the stakeholders were represented and the said Minutes are not challenged, it is beyond the scope of the writ court to deviate from the decision arrived therein.

10. As such, since it cannot be said that the respondent authorities were responsible also for the delay occasioned in the renewal, it is within the authority of the respondents to ask for the payment of the additional amount in terms of the decision taken by the State Level Committee. However, the objection as to non-conformity with Form 3 is hereby set aside, since the said objection was never taken at any point of time till date. Thus, it is deemed that the petitioner had made a valid application for renewal of licence which was pending for so long and is, thus, governed by the decision of the State Level Committee.

11. Accordingly, WPA No. 22434 of 2022 is disposed of by directing the petitioner to deposit the amount as asked for by the respondent authorities vide communication dated September 13, 2022.

12. Upon deposit of such amount and compliance of all other formalities, if any, the respondent authorities shall renew the licence of the

petitioner without insisting upon a further submission of an application under Form 3.

13. It is expected that the respondent authorities, upon payment of such amount, shall process and grant the renewal to the petitioner at the earliest, positively within four weeks thereafter.

14. There will be no order as to costs.

15. 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.)