

D/L.10.
April 10, 2024.
MNS.

WPA No. 1637 of 2024

Sri Prosun Ghosh
Vs.
Union of India and others

Mr. Ranjan Kali,
Mr. Suraj Bhattacharjee

... for the petitioner.

Mr. Sauvik Nandy

...for the respondent nos. 2 to 4.

1. Affidavit-of-service filed in Court today be kept on record.
2. The petitioner submits that the petitioner entered into a transaction for purchasing tea leaves with respondent nos. 5 to 10. Subsequently, even upon receipt of the money from the petitioner, the said respondents did not furnish the tea leaves, upon which the petitioner enquired and ascertained that the business could not be run by the respondent no. 10, since he was simultaneously engaged in the business as well as in government service.
3. The petitioner accordingly lodged a criminal complaint before the appropriate law enforcement agency and also gave a representation to the Tea Board to cancel the licence of the respondent nos. 5 to 10.

4. It is contended that the Tea Board has not acted on the same.
5. Learned counsel for the respondent nos. 2 to 4 submits that the dispute is absolutely a private dispute between the petitioner and the respondent nos. 5 to 10. Since there is no criminal indictment as yet, no step can be taken at present by the Tea Board.
6. More importantly, it is submitted by the respondent nos. 2 to 4 that the Tea Board does not have the authority to decide each and every private dispute between the parties to tea transactions.
7. There is substance in the contention of the respondent nos. 2 to 4. Since the matter partakes the character of a private dispute between the petitioner and the respondent nos. 5 to 10, it is not for the Tea Board to enter into the nitty-grities of the merits of the same.
8. The remedy of the petitioner is to approach the criminal forum, which according to learned counsel for the petitioner, he already has.
9. In the event the respondent nos. 5 to 10 are indicted and/or are incriminated before any criminal court, there may be a cause of action for the Tea Board to look into to the limited extent as to whether sufficient ground for

cancellation of the licence of the respondent nos. 5 to 10 has been made out.

10. However, regarding the other dispute of the said respondents having allegedly taken money from the petitioner for supplying tea leaves but not honoured their commitment, the same comes entirely within the domain of the civil court and the petitioner has his remedy there.

11. Hence, it would be premature for this Court or the Tea Board to look into the issue as taken in the representation of the petitioner.

12. Accordingly, WPA No. 1637 of 2024 is disposed of by granting liberty to the petitioner to pursue his remedies before the criminal and civil forums.

13. There will be no order as to costs.

14. 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.)