

23.02.2024
Ct. 654
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WPA 4372 of 2024

**Nadia District Modern Rice Mill Private Limited &
Anr.**

-Vs-

State of West Bengal & Ors.

Mr. Debabrata Saha Roy
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das

... for the petitioners

Ms. Sonal Sinha,
Mr. Amrita Lal Chatterjee

... for the State

Affidavit of service filed on behalf of the
petitioners is taken on record.

Leave is granted to the petitioners to correct the
designation of the respondent no. 2 in the cause title of
the writ petition.

This writ petition has been filed challenging the
order dated 3rd November, 2023 passed by the District
Controller (F&S), Nadia being the respondent no. 8
herein, delisting/de-empanelling the petitioners' rice
mill.

The brief fact of the case is that the petitioner no.
1 is a private limited company under the name and
style of "*Nadia District Modern Rice Mill Private Limited*"
registered under the Companies Act, 1956 and the
petitioner no. 2 is one of the directors of the said
company. The said company has been running the rice
mill business under an agreement with the Government

of West Bengal, which was executed initially on 8th November, 2021 for Kharif Marketing Season (KMS) 2021-22. For the period of Kharif Marketing Season (KMS) 2022-23, another agreement was executed on 28th October, 2022. However, for the period of Kharif Marketing Season (KMS) 2023-24, the petitioners were de-empanelled and no agreement was entered into. The petitioners made a representation to the Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal on 27th December, 2023 for redressal of their grievances. However, such representation has not been considered by the concerned authority. The petitioners have been verbally informed that due to arrest of one of the directors of the company by the Enforcement Directorate, the petitioners' company has been de-empanelled. The petitioners are constrained to file the present writ petition challenging such de-empanelment.

Mr. Debabrata Saha Roy, learned advocate for the petitioners submits that since entering into an agreement with the Government of West Bengal for carrying on business of rice mill in the year 2021, there has been no adverse report against the petitioners. The performance of the petitioners was satisfactory and good. However, without any reasonable cause, the petitioners have been de-empanelled. As per the agreement, the same can be terminated by Food & Supplies Department by giving at least 15 days notice.

However, no such notice of termination was served upon the petitioners and on all of a sudden, the petitioners' company has been de-empanelled. The petitioners made a representation in this regard on 27th December, 2023, which has not been considered by the authority. He also indicates that since the petitioners were carrying on rice mill business on the basis of an agreement entered into in the year 2021, fresh application was never required. In the light of his aforesaid submissions, he prays for consideration of the representation made by the petitioners on 27th December, 2023.

Ms. Sonal Sinha, learned advocate for the State-respondents submits that direction may be issued upon the Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal for disposal of the representation.

It is not in dispute that the petitioners' company was carrying on business of rice mill on the basis of an agreement executed with the Government of West Bengal on 8th November, 2021 for Kharif Marketing Season (KMS) 2021-22. For the period of Kharif Marketing Season (KMS) 2022-23, another agreement was also executed on 28th October, 2022. The petitioners have been de-empanelled vide order dated 3rd November, 2023 of the District Controller (F&S), Nadia being the respondent no. 8 herein. Admittedly,

before such de-empanelment, no such notice was served upon the petitioners.

In view of the above, the Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal being the respondent no. 2 herein is directed to consider and dispose of the representation of the petitioners dated 27th December, 2023 within a period of three weeks from the date of communication of this order by passing a reasoned order in accordance with law after giving an opportunity of hearing to all concerned including the petitioners.

The result of such disposal shall be communicated to the petitioners within a week thereof.

Learned advocate for the petitioners is directed to serve copy of this order upon respondent no.2, the Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal.

With the aforesaid directions, the writ petition being **WPA 4372 of 2024** stands disposed of.

All connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(**Bivas Pattanayak, J.**)