

27.02.2024

Ct. no.654

Sl. No.18

ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

WPA 4759 of 2024

NPG Rice Mill Pvt. Ltd. (Flour Mill Unit) & anr.

Vs.

The State of West Bengal & Ors.

Mr. Debabrata Saha Roy

Mr. Pingal Bhattacharyya

Mr. Subhankar Das

..for the petitioners

Ms. Sonal Sinha

Mr. Amritlal Chatterjee

..for the State

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

On the prayer of the learned Advocate for the petitioners leave is granted to correct the designation of respondent no.2.

The brief fact of the case is that the petitioner no.1 is a private limited company registered under the Companies Act, 1956 under the name and style of “*NPG Rice Mill Pvt. Ltd. (Flour Mill Unit)*”. The petitioner no.2 is one of the Directors of the said company. The petitioners have been running a rice mill business since the year 2017 by dint of agreement dated 28th June, 2017 with the Government of West Bengal. The empanelment of the petitioners has been renewed from time to time. By such empanelment the petitioners’ flour mill was provided with

a quota of wheat for conversion into fortified *atta*/wholemeal *atta* in the District of Nadia. The Government of West Bengal all of a sudden has stopped supply of wheat to the petitioners without issuing any notice of termination in terms of the agreement or has provided any plausible reason for such arbitrary action. The petitioners were verbally informed that since one of the Directors of the company has been arrested by the Enforcement Directorate, hence the supply of wheat has been stopped. On 27th December, 2023 the petitioners made a representation before the Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal for redressal of their grievance. However, till date such representation of the petitioners has not been considered. Hence, this writ petition.

Mr. Debabrata Saha Roy, learned Advocate for the petitioners submits that the petitioners have been carrying on the business of conversion of wheat into fortified *atta*/wholemeal *atta* since 2017 by dint of agreement with the Government. There are no adverse report against the petitioners rather the performance of the petitioners were found to be satisfactory. However, all of a sudden the supply of wheat has totally been stopped which affected the business of the petitioners. The petitioners made a representation before the respondent no.2, Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal,

however, the same has not been considered as yet. He seeks appropriate order for consideration of such representation.

Learned Advocate for the State-respondent referring to clause 3(4) of agreement submits that the State Government reserves the right for not granting the extension/renewal without assigning any reasons. Further, as per clauses 5(2) and 5(3) the State Government also has the right to reduce or enhance the allocation of wheat of the existing mill at any time depending upon inclusion of new mills in the scheme and the flour mills cannot claim or demand certain fixed allocation as a matter of right. He further submits that the question of giving notice in writing to the petitioners for termination does not arise since the agreement between the Government and the petitioner-company is still valid and is in existence. The only grievance of the petitioners is that the allocation of wheat has been stopped which the State Government has the authority to do so under the agreement. Further, the petitioners as per the agreement could have approached the concerned authorities for formation of Conciliation Board for redressal of his grievance. However, no such step has been taken by the petitioners in such regard. Therefore, the writ petition is short of merit and should be dismissed.

In reply, Mr. Saha Roy, learned Advocate for the petitioners submits that natural justice envisages that

representation of the petitioners should be considered. He seeks appropriate order.

It is not in dispute that the petitioners have been carrying on the business of conversion of wheat into fortified *atta*/wholemeal *atta* by dint of agreement with the Government. The petitioners' agreement has been time to time renewed and they have also been empanelled to carry on such business. The performance of the petitioners also appears to be satisfactory (page 45 of the writ petition). The petitioners are aggrieved since the quota of wheat has been stopped. The petitioners have made a representation before the concerned authority. It is pertinent to note that prior to stopping such supply of wheat no notice has been given to the petitioners. In view of the above, the respondent no.2, Principal Secretary & Food Commissioner, Food & Supplies Department, Government of West Bengal, 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 after giving opportunity of hearing to all the concerned parties including the petitioners by passing a reasoned order, in accordance with law.

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

Petitioners are directed to communicate this order to the respondent no.2, Principal Secretary & Food

Commissioner, Food & Supplies Department, Government of West Bengal along with copy of aforesaid representation.

Since no affidavit has been invited, allegation contained in the writ petition shall be deemed not to have been admitted.

With the above directions, this writ petition being **WPA 4759 of 2024** stands disposed of along with all connected applications, if any.

There will be, however, no order as to costs.

Interim order, if any, stands vacated.

All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

Urgent photostat copy of this order, if applied for, be given to the parties upon compliance of necessary legal formalities.

(Bivas Pattanayak, J.)