

May 21, 2024
ARDR (1004)

WPA 8922 of 2024

Mamoni Rath Satpathi
Vs.
The State of West Bengal & ors.

Adv. Saktipada Jana,
Adv. Arup Kumar Sahoo,
...for the petitioner.
Adv. Pantu Deb Roy,
Adv. Subrata Guha Biswas,
...for the State.

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

Learned counsel for the petitioner submits that the petitioner applied for grant of stage carriage permit in the route Oto to Dantan on 14th October, 2022 which was approved by the authority by a resolution taken in its board meeting on 18th October, 2022. Offer letter was issued in favour of the petitioner on 16th October, 2023, the first paragraph of which records that the petitioner should procure a bus/mini bus of current model (BS-IV/VI) exclusively for use/plying as stage carriage in the route stated in the offer letter.

Learned counsel submits that since the notification issued by the Transport Department, Government of West Bengal on 7th August, 2012 demonstrates that new permit can be granted in respect of a vehicle plying in the whole of West Bengal except Kolkata Municipal Corporation area and the areas under Salt Lake and Lake Town Police

Station for BS-III compliant vehicle, the authority ought not to have insisted upon placing a BS-IV vehicle by the petitioner in the offer letter.

Learned counsel for the respondents places reliance on an order of the Transport Department, Government of West Bengal issued on 2nd June, 2023 which records that in a route which is exclusively outside Kolkata, the vehicle to be placed in case of new permit may preferably be minimum BS-IV emission norms compliant.

The notification dated 2nd July, 2023 insists upon placing of minimum BS-IV emission norms compliant vehicle preferably. In other words, it does not mandate placing of BS-IV vehicles for grant of permit if the route is exclusively out of Kolkata as in the present case. Also, the application for grant of permit of the petitioner was approved on 18th October, 2022, that is, prior to the order dated 2nd June, 2023. The notification dated 7th August, 2012 indicates that in respect of areas outside the jurisdiction of the Kolkata Municipal Corporation, Salt Lake and Lake Town Police Station, vehicles complying with BS-III norms shall suffice.

In view of the above, this Court is inclined to hold that the first paragraph of the offer letter dated 16th October, 2023 requiring the petitioner to place a BS-IV compliant vehicle being de hors the notification dated 7th August, 2012 is required to be struck down.

Accordingly, the writ petition is allowed.

The portion of the first paragraph of the offer letter dated 16th October, 2023 “for procuring a bus/mini bus of current model (BS-IV/VI)” be struck down.

The 3rd respondent is directed to grant stage carriage permit in favour of the petitioner in terms of the offer letter dated 16th October, 2023 upon the petitioner placing BS-III compliant vehicle subject to the petitioner fulfilling all other formalities.

The entire exercise shall be completed within one month from the date of communication of this order.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)