

**IN THE HIGH COURT OF JUDICATURE AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

HEARD ON: 16.05.2024

DELIVERED ON: 16.05.2024

CORAM:

**THE HON'BLE MR. CHIEF JUSTICE T.S. SIVAGNANAM
AND
THE HON'BLE MR. JUSTICE HIRANMAY BHATTACHARYYA
M.A.T. 611 of 2024
With
I.A. No. CAN 1 of 2024
With
I.A. No. CAN 2 of 2024**

**Ranjit Saha
Vs.
The State of West Bengal & Ors.**

Appearance:-

**Mr. Joy Chakraborty
Mr. Sandip Dinda
Ms. Ipsita Ghosh
Mr. Ranjit Malakar**

.....for the appellant

**Mr. Tanoy Chakraborty
Mr. Saptak Sanyal**

..... for the respondents

JUDGMENT

(Judgment of the Court was delivered by T.S. SIVAGNANAM, C.J.)

In Re: I.A. No. CAN 1 of 2024

1. We have heard Mr. Joy Chakraborty, learned advocate appearing for the appellant and Mr. Tanoy Chakraborty, learned advocate appearing for the respondents.

- 2.** There is delay of 19 days in filing the appeal. We have perused the affidavit filed in support of the petition and we find that sufficient cause has been shown for not being able to prefer the appeal within the period of limitation. I.A. No. CAN 1 of 2024 is allowed and the delay in filing the appeal is condoned.

In Re: M.A.T. 611 of 2024

3. This intra-Court appeal by the unsuccessful writ petitioner is directed against the order dated 16th January, 2024 in W.P.A. 29228 of 2023. After elaborately hearing the learned advocates for the parties, we are of the considered view that the learned Single Bench rightly dismissed the writ petition, taking into consideration the reasons given by the original authority as well as the appellate authority rejecting the application filed by the appellant for shifting of the liquor shop.
4. The learned advocate appearing for the appellant submits that section 30 of the Bengal Excise Act, 1909 is in no manner applicable to the case on hand and what will be applicable is the rules, which have been framed under section 83 and 86 of the Excise Act called the West Bengal Excise (Shifting of Existing Site or Change of Premises of Excise License) Rules, 2009.
5. Section 30 of the Excise Act deals with selection of new sites for grant of license. The said provision will be fully applicable in cases of shifting because every proposed shift would tantamount to a new site. Therefore, the learned Single Bench was right in dismissing the writ petition and no ground has been made out to interfere with the said order.
6. Accordingly the appeal and the connected application (I.A. No. CAN 2 of 2024) are dismissed.

7. The learned advocate appearing for the respondents/State submitted that the authorities have identified as many as 35 sites for which, if the appellant desires, he can make application.
8. We leave it open to the appellant to take appropriate decision in this regard.
9. No costs.
10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

I agree.

(HIRANMAY BHATTACHARYYA, J.)