

S/L 13
24.07.2024
Court. No. 9
Sourav

WPA 14649 of 2024

**Shikha Pramanick & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. Mohit Gupta

...for the petitioners.

*Mr. Anirban Ray, Ld. G.P.
Mr. Tanoy Chakraborty
Mr. Debraj Sahu*

...for the State.

*Mr. Uday Sankar Chattapadhyay
Mr. Suman Sankar Chatterjee
Ms. Trisha Rakshit
Ms. Aishwarya Datta*

...for the respondent no. 5.

1. The writ petition has been filed challenging an order dated April 4, 2024 passed by the Collector of Excise, Kolkata (South).
2. It appears from the said order that an application for transfer of licence to the names of the surviving heirs of the erstwhile joint licensees has been filed. The petitioners allege that the authority did not have any power under the law to deny such transfer of licence. The law made it incumbent upon the authority to give joint licence to all the surviving heirs of the original licensees, in accordance with law.
3. It appears from the order impugned, that the application was not made in the proper format and in the online mode. Only Shikha Pramanick and Souvik Pramanick made the application upon the death of two out of four joint licensees. In the application, the names

of Mala Pramanick and Sujit Pramanick i.e., the joint surviving licensees were also sought to be incorporated along with Shikha and Souvik. Upon enquiry, the application was sent back to Shikha Pramanick and Souvik Pramanick, by asking them to upload a copy of the application with the signature of all the surviving joint licensees, within seven days.

4. Such direction was not complied with within the stipulated period. All the parties were called for a hearing by the Collector. In course of hearing, the surviving licensees, Mala Pramanick and Sujit Pramanick were asked to clarify why they had not signed the application. Sujit Pramanick replied that he was not aware of the said requirement and Mala Pramanick replied that she did not even know that the application had been made. Mala Pramanick further submitted that she was not being given any profit from the proceeds.
5. The only issue to be decided in this petition is whether the authority acted contrary to the statute by directing the joint surviving licensees to file an application in accordance with law with their signatures and in the online mode. Such order was passed on April 4, 2024 and it does not appear that all the surviving licensees have yet complied with the order.
6. If the rules require the application should be filed by the joint surviving licensees with their signatures, the authority could not have permitted transfer of licence only on the application of Shikha Pramanick and Souvik

Pramanick. Shikha Pramanick and Souvik Pramanick were also given an opportunity to obtain signatures of the other surviving licensees and upload the application in the proper portal. Such requirement was not complied with.

7. On the other hand, Sujit Pramanick and Mala Pramanick contended that they were not even aware of the application.
8. Under such circumstances, this Court does not find any reason to interfere with the order impugned.
9. The petitioners shall comply with the directions of the authority.
10. Prayer to allow the shop to run temporarily cannot be granted by this Court as the authority has already opined that such permission to run the shop temporarily cannot be granted for an indefinite period. The period for which the temporary running was allowed, has expired.
11. Accordingly, the writ petition is dismissed.
12. However, there will be no order as to costs.
13. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)