

April 12, 2024
(760) ARDR

WPA 14561 of 2023

Gunjan Sinha @ Kanishk Sinha
Vs.
The State of West Bengal & ors.

Mr. Gunjan Sinha @ Kanishk Sinha,
... petitioner in person.
Adv. Pantu Deb Roy,
Adv. Supratim Dhar,
Adv. Mita Bag,
...for the State.

Heard the petitioner and the learned counsel for the respondents.

The petitioner is aggrieved by paragraphs 6 and 8 of the order passed by the Director, Transport Directorate, Government of West Bengal, on 14th June, 2023 allowing the representation submitted by M/s. Kinetic Green Energy and Power Solutions Limited, writ petitioner in an earlier writ petition being WPA 8995 of 2023. By an order passed on 10th May, 2023 in the said writ petition, this Court directed the Director to dispose of the representation submitted by the petitioner therein before the authority within a stipulated time frame upon affording reasonable opportunity of hearing to all the stakeholders including the petitioners and the private respondents in the said writ petition.

By the order impugned, the Director has held that upon perusal of the relevant papers produced by the petitioner, it appears that the battery used by the

petitioner is distinct and different from that of the battery which is the subject matter of the Title Suit.

The petitioner submits that the order impugned was recorded without taking into consideration the documents placed by the petitioner before the authority. The Director was only authorised to issue necessary direction upon the concerned Regional Transport offices to grant registration to the e-rickshaws subject to the said vehicles being distinct and different from the vehicles forming the subject matter of the Title Suit, meaning thereby, that the respective Regional Transport offices were the authorities to opine whether the battery used in the vehicles before the authorities were distinct and different from that of the battery which was subject matter of the Title Suit. The Director had no authority to hold the same in the order impugned. The petitioner seeks reconsideration of the representation upon granting him an opportunity to place all the relevant documents before the authority and to make relevant submission.

It appears from the order impugned that the Director has held that on perusal of relevant papers produced by the petitioner therein (M/s. Kinetic Green Energy) it appears that the battery used by the petitioner is distinct and different from that of the battery forming subject matter of the Title Suit. Though this petitioner claims to have produced documents before the authority, there is no whisper in the said order as to whether such documents were taken into consideration by the authority while

considering the representation of M/s. Kinetic Green Energy. Also, it appears from several orders passed by this Court in this regard earlier that the Director was directed to issue necessary direction upon the concerned Regional Transport offices to grant registration of the e-rickshaws subject to the vehicles being distinct and different from the vehicle forming the subject matter of the Title Suit. Therefore it was for the registering authorities to determine whether batteries of the vehicles placed before them for registration were distinct and different as recorded in the orders of this Court.

In view of the above, this Court is inclined to hold that the order impugned is bereft of reasons and consideration and is required to be set aside.

The order passed by the Director, Transport Director, Government of West Bengal on 14th June, 2023 is set aside.

The Director, being the 3rd respondent herein, is directed to revisit the issue upon granting reasonable opportunity of hearing to all concerned including the petitioner and M/s. Kinetic Green Energy and take a reasoned decision within six weeks from the date of communication of this order. The petitioner shall be at liberty to produce relevant documents in support of his claim before the authority at the time of hearing.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merit of the case and the concerned authority is at liberty

to deal with the matter independently and without being influenced by any observation which may have been made in this order.

With the aforesaid directions, the writ petition is disposed of.

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.)