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WPA 21473 of 2023
(Addya Shakti Transport Co. & Anr. vs. State of West Bengal & Ors.)

Mr. Sattwik Bhattacharyya
Mr. Aashutosh Bhattacharyya
.... For the Petitioners
Mr. Pantu Deb Roy
Mr. Subrata Guha Biswas
.... For the State

Heard learned counsels for the parties.

It is settled law as also laid down by a co-ordinate Bench of this Court in an order passed on 24th November, 2003 in W.P. No. 16672(W) of 2003 that the maximum period of extension fixed by the statute is six months from the date of issuance of the offer letter and the petitioner can in no case get more than six months time even if his application for extension of time is not disposed of by the authority. The petitioner has to comply with all the requirements of the offer letter within the period of six months for the authority to consider his application.

In the case in hand, it is not in dispute that the petitioners did not place the vehicle or the relevant documents thereof before the authority within six months from the date of issuance of the offer letter. The

offer letter was issued on 18th October, 2022. The 2nd petitioner was ready to place his vehicle before the authority only on 8th June, 2023, that is beyond the stipulated period of time. Two applications seeking grant of permit filed by the petitioners were rightly turned down by the authority. The petitioners made the third application before the authority on 20th April, 2023 in respect of the single vacancy in the route Siliguri to Ranchi. Another application was filed in respect of the same route by the private respondent on 4th April, 2023. Both the applications were taken into consideration by the authority who by a resolution taken on 18th August, 2023 allowed the application of the private respondent only on the ground that it was submitted earlier and rejected the application filed by the petitioners. The private respondent was directed to produce the vehicle in compliance with the notification dated 7th June, 2023 within 30 days from the date of uploading of the STA board decision in the website.

It is submitted on behalf of the respondents that the private respondent has neither placed any vehicle nor fulfilled the requirement set out in the resolution dated 18th August, 2023 till date. No offer letter/permit has been granted in his favour by the authority.

Upon consideration of the submission made on behalf of the parties, this Court is inclined to hold that the resolution taken by the authority on 18th August,

2023 is not supported by adequate reasons. The authority could not have allowed the application filed by the private respondent only on the ground that it was filed prior to that of the petitioners. No other reason has been assigned by the authority for allowing the prayer of the private respondent or rejecting that of the petitioner. The resolution impugned being devoid of any reasoning is required to be set aside.

Accordingly, the resolution taken in the STA board meeting on 18th August, 2023 is set aside.

The concerned authority being the 2nd respondent herein is directed to reconsider the application submitted by the petitioner dated 20th April, 2023 upon granting reasonable opportunity of hearing to the petitioners within six weeks from the date of communication of this order, in accordance with law.

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

The writ petition is thus disposed of.

There shall be no order as to costs.

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

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)