

26.02.2024
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PG/KS
Ct. No.1

M.A.T. 1772 of 2023
With
I.A. No.CAN 1 of 2023

Sri Tapan Sarkar
Versus
The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari
Mr. Prantick Ghosh
Mr. Aniruddha tewari
Mr. Prasad Bhattacharyya
Mr. Sandip Dutta.....for the appellant

Mr. Anirban Ray, Ld.GP
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal.....for the State

Mr. Krishnendhu Sarkar
Ms. Megha Das.....for the respondent no. 1

1. This intra-Court appeal by the writ petitioner is directed against the order dated 8th August, 2023 passed in W.P.A. 17791 of 2023.
2. The appellant contended that Sri Tanmoy Bhattacharyya has been added as a joint licensee to his licence of Kalyani FL Off Shop in a surreptitious and illegal manner and fraud and forgery have been committed.
3. From the communication sent by the Superintendent of Excise dated 17th June, 2020, it is seen that the change of management for induction of Sri Tanmoy Bhattacharyya into the licence was through dedicated online module using confidential ID and password.

4. Therefore, if according to the petitioner, an online fraud has been conducted, then the appellant should approach the concerned police authorities by way of an appropriate application for the matter to be investigated. Whether online fraud have been committed or not, cannot be examined by the Superintendent of Excise.
5. Therefore, the appeal and the connected application stand disposed of by giving liberty to the appellant to approach the concerned police authorities dealing with online frauds and if a complaint is lodged, the concerned police authorities are directed to investigate into the matter and subject to the outcome of the said complaint, it will be well open to the appellant to approach the excise authorities afresh.
6. No costs.
7. 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

(HIRANMAY BHATTACHARYYA, J.)