

13.11.2024
Item No.27
Ali
ct. no.24

WPA 26424 of 2024

**Shamima Aktar Mondal
Vs.
State of West Bengal & Ors.**

Mr. S. Sanyal
Ms. P. Banerjee

...for the petitioner.

Ms. S. Sinha,
Mr. A. Chakraborty

..... for the State.

The writ petitioner is a Fair Price Shop Dealer; he distributing the ration articles to the ration card holders is a subsidies rate through Public Distribution System. It is the case of the petitioner that the State Government has introduced “Electronic Point of Sale” (E-Pos machine) for maintaining transparency in Public Distribution System.

It is the case of the petitioner that food grains distributed was mandated to be done through online mode of E-Pos. The petitioner has demonstrated a case that it appears to the petitioner that since January 2023 extra allotment was shown in his E-Pos machine. Subsequently, there are differences of actual closing balance appearing in the E-Pos machine and the physical measurement of the balance of the ration articles.

It is the case of the petitioner that he has received less amount of ration articles from the distributor though E-Pos machine shows extra allotment. It is the apprehension of the petitioner that by such situation the

conduct of the present petitioner may put under question under the provisions of West Bengal Public Distribution System (Maintenance & Control) Order, 2013.

It is the further case of the petitioner that he has made a several representations to the authority concerned but the authority has not considered any of his representations thus he approached this Court.

Learned counsel appearing on behalf of the State respondent submits that the matter cannot be decided without thorough investigation and inquiry by the concerned authority. She submits that the respondent No. 5 being the District Controller, required to deal with the matter to conduct investigation in respect of the distribution of ration articles through the distributor to the dealer.

Having heard the submissions of the learned counsel for the parties also considering the prayer of the writ petition, I think it necessary to direct the authority concerned to consider the representation of the present petitioner to settle out the dispute.

Under the above observations, the instant writ petition is disposed of with a direction to the respondent No. 5 i.e. District Controller, Department of Food and Supplies, Krishnanagar, District-Nadia to consider the representation of the petitioner appearing in pages 61 and 62 of the writ petition.

The respondent No. 5 shall pass a reasoned order on the basis of the representation made by the petitioner within eight weeks from date, after giving a reasonable opportunity of being heard to the petitioner; the decision so arrived at shall be communicated to the petitioner within two weeks thereafter.

As the affidavits are not exchanged, the allegation made herein shall be deemed to have been not admitted.

This Court has not entered into the merits of this matter; the concerned authority (respondent No.5) is at liberty to deal with the matter according to the law, without being influenced by any of the findings of this Court.

(Subhendu Samanta, J.)