

Item No.15
03.10.2024
Court. No. 9
GB

W.P.A. 26075 of 2023

Budge Budge Refineries Ltd. & Anr.

Vs.

Deputy Director of Agricultural Marketing
(Administrative), Eastern Range, Kalyani & Ors.

Mr. J.P. Khaitan,
Mr. Agnibesh Sengupta,
Mr. Indranil Banerjee,
Mr. Subrata Mukherjee

...for the Petitioners.

Mr. Somnath Ganguli,
Ms. Priyamvada Singh

...for the State.

Ms. Sutapa Sanyal,
Mr. Debrup Bhattacharjee,
Mr. Pradeep Kr. Tulsyan

...for the Respondent Nos.5 & 6.

Mr. Amal Kr. Sen,
Mr. Lal Mohan Basu

...for the Respondent Nos.7 & 8.

1. The issues raised in the writ petition need not be answered for the simple reason that, the authority who initiated the proceedings under the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972, was not empowered by law to do so.
2. Under such circumstances, the initial order of the adjudicating authority and the appellate authority are both set aside.
3. Liberty is granted to the appropriate authority to proceed de novo, in accordance with law, if they so desire. The issues raised, including the applicability of the Act in case of the petitioners, may be raised before the authority and all points which have been raised before this Court or which may be raised before the

authority, shall be decided independently and with reasons. The petitioners will cooperate with the proceedings, and adequate opportunity should be given to them to urge all points.

4. Accordingly, the writ petition is disposed of.
5. However, there will be no order as to costs.
6. Parties to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)