

24.01.2024
SI No.42
Court No.8
(gc)

**MAT 2328 of 2023
CAN 1 of 2023
CAN 2 of 2024**

**Md. Asraful Ali
Vs.
M/s. Anoda Bewa & Sons, represented
by one of the partner Md. Saheb & Ors.**

Mr. Gouranga Kumar Das,
Ms. Poulomi Dutta
...for the Appellant.
Ms. Nilanjana Adhya,
Md. Maznu Ahmed
...for the Respondents.
Mr. T.M. Siddiqui,
Ms. Amrita Panja Moulick
...for the State.

Re: CAN 2 of 2024

1. There is a delay of 57 days in filing the memorandum of appeal.
2. Sufficient cause being shown for not being able to file the memorandum of appeal within the period of limitation.
3. The delay of 57 days in filing the memorandum of appeal is condoned.
4. Accordingly, the application for condonation of delay is allowed and disposed of.

**Re: MAT 2328 of 2023
CAN 1 of 2023**

5. After hearing the learned Counsel for the parties, we feel that the grievance of the

appellant with regard to the number of beneficiaries to be tagged to his existing Fair Price Shop can be considered by the Directorate of DDP&S in terms of the Government Circular being Memo No.834/FMR/10D-03/14(Part-II) dated 28th March, 2023 within eight weeks from the date of communication of this order.

6. We feel that the number of beneficiaries attached to the Fair Price Shop of the writ petitioner shall not be less than 5,000 on any event, is not justified by the reason for which such circular was issued as the primary consideration would be to provide food to the population. The said circular has taken a balanced view with regard to the range of retained population and proposed population for a new vacancy.
7. The authority in deciding the matter shall take a balance view in order to ensure that existing dealer by reason of the implementation of the said notification dated 28th March, 2023 is not adversely affected.
8. Accordingly, the appeal and the application stand disposed of with the aforesaid modification.

9. However, there shall be no order as to costs.

10. The Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)