

23.12.2024
DL/2
Court No. 13
Sudipta

MAT 2176 of 2024
with
CAN 1 of 2024

Krishna Prasanna Das
Versus
State of West Bengal & Ors.

Mr. Debabrata Saha Roy, Sr. Adv.
Mr. Pingal Bhattacharyya, Adv.
Mr. Subhankar Das, Adv.
.....for the appellant.

Mr. Swapan Kr. Datta, Sr. Adv.
Mr. Dipankar Dasgupta, Adv.
.....for the State.

1. The appellant/writ petitioner is aggrieved by the judgment and order dated 27th November 2024 passed by the Single Bench of this Court. By the impugned order, the Single Bench declined the interference of the order of penalty dated 23rd October 2024 imposed on the appellant/writ petitioner.
2. The facts relevant to the case are that appellant/writ petitioner was an FPS dealer. Pursuant to a show cause dated 14th August 2024 issued after an inspection of the appellant's dealership on 7th August 2024, the petitioner was directed to represent against allegations of a) shortage of stock of PDS commodities, b) Not routing supply through the EPOS machine, c) Not

- performing Duare Ration duties d) Denial of delivery of food grains to the beneficiaries concerned.
3. An incorrect reference to 2013 control order that was since repealed in the said show cause was corrected by a corrigendum dated 27th August 2024 issued to the petitioner prior to the formal hearing. By the said corrigendum, the control order under which the petitioner was charged was rectified to that of the 2024 control order and the petitioner was also charged under paragraphs 15, 16.13, 45 and 46 of the control order of 2024.
 4. The Single Bench referred to the corrigendum and found that the decisions of the Supreme Court in the case of **A. C. Jose Vs. Sivan Pillai & Ors.** reported in **(1984) 2 SCC 656** and the case of **K. K. Parmar & Ors. Vs. H. C. of Gujarat and Ors.** reported in **(2006) 5 SCC 789** are inapplicable to the facts of the case.
 5. The arguments of learned counsel for the appellant that the punishment under serial No. 4 to schedule C of the control order of 2024, would not be applicable and only the punishments under serial no.1 would be applicable, are also not acceptable to this Court. The petitioner has been imposed a fine of two times the economic cost of PDS of the shortage of food grains found in his dealership.

Such punishment is specified as Schedule C to the Control Order of 2024.

6. The impugned order therefore calls for no interference.
7. The Single Bench has permitted the appellant to avail the provisions of appeal under the Control Order, if he files the same within 4 weeks of the impugned order dated 27th November 2024.
8. On prayer made by the counsel for the appellant, the time to file the appeal is extended by four weeks from date.
9. In view of the above, MAT 2176 of 2024 is therefore dismissed except to the limited extend indicated hereinabove.
10. Consequently, all connected applications, if any, shall stand disposed of.
11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)