

18.01.2024
Court No. 13
Item No. 5
AP

WPA 27876 of 2023

**Arup Pramanik
Vs.
The State of West Bengal and Ors.**

Mr. Jaideep Kar, Senior Advocate
Mr. Mohit Gupto
Ms. Sneha Dutta

.... For the Petitioner.

Mr. Anirban Ray, G.P.
Mr. Tanoy Chakraborty
Mr. Saptak Sanyal

.... For the State.

Mr. Jit Ray

.... For the Private Respondent Nos.6 to 19.

1. The petitioner is aggrieved by the fact that his application for incorporation of his name in place of a deceased joint licensee in an existing Licence No.30/2012/0008 has remained pending.

2. The Superintendent of Excise, Kolkata (South) by a communication dated 7th December, 2023 has indicated that only one person amongst the surviving legal heirs of the deceased joint licensee can be included as per the West Bengal Excise (Transfer of License) Rules 2023.

3. In that view of the matter, it is directed that the petitioner's application dated 28th March, 2023 at page 25 of the writ petition be considered by the Collector of Excise, Kolkata (South) in terms of the Rules 4 and 5 of the West Bengal Excise (Transfer of License) Rules 2023.

4. Since there are civil disputes pending between the joint licensees before a Civil Court, all other rights of licensees including the legal heirs of the deceased joint licensee shall abide by the result of the civil suit.
5. Pending consideration of the application dated 28th March, 2023, the respondent authorities shall issue a temporary licence for reopening and running of the liquor retail outlet in question.
6. With the aforesaid directions, the writ petition is disposed of.
7. There shall be no order as to costs.
8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)