

Court No. 2
02.4.2024
(Item No. 29)
(AB)

IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 1022 of 2022

M/S. Subrata Electrical Accessories (Wooden) and
Anr.
VS
The State of West Bengal & Ors.

Mr. Amales Ray
Mr. Debasish Dhar
Ms. Oshmita Mukherjee
Mr. Nigam Mittal
..... for the petitioners
Mr. Subir Kumar Saha
Mr. Nabankur Paul
.... For the State

The writ petitioner is a licenced Saw-Mill operator under the General Category, **Annexure P-2** at **page 38** to the writ petition. The petitioner was willing to install necessary equipment and machinery which are essential for running his furniture manufacturing business under the secondary category.

Drawing attention to the representation dated **December 15, 2021, Annexure P-7** at **page 46** to the writ petition Mr. Amales Ray, learned counsel submits that, the said representation was submitted before the respondent No. 3 who in turn passed the impugned order dated **April 11, 2022, Annexure P-8** at **page 47** to the writ petition rejecting the claim of the petitioner.

The said impugned order dated **April 11, 2022** is under challenge through the instant writ petition.

Mr. Nabankur Paul, learned State counsel appearing for the respondents submits that, the petitioner does not have any secondary licence. He submits that, the order impugned is just and lawful and was passed after considering all the materials before the respondent No. 3.

Per contra, learned counsel for the petitioner submits that, a licence holder under General Category, as the petitioner in the instant case, is eligible to run a business for manufacturing furniture as a secondary unit under the law.

After considering the rival contention of the parties and upon perusal of the materials on record and specifically on a close scrutiny of the impugned order dated **April 11, 2022**, it appears to this Court that, the order impugned is too cryptic, the reasons are not specified as they should have been in the light of the prevailing rules and law.

This Court has also perused the report in the form of affidavit filed by the respondents affirmed on August 3, 2022.

Thus, this Court is of the considered view that, the said order impugned dated **April 11, 2022**, **Annexure P-8** at **page 47** to the writ petition cannot

sustain and accordingly stands **set aside** and **quashed**.

However, to sub-serve justice, the respondent No. 3 is required to re-visit the issue strictly in accordance with law. Accordingly, the respondent No. 3 upon issuing a prior hearing notice of at least seven days to the petitioner and the respondent No. 4 shall re-visit and decide the representation of the petitioner, **Annexure P-7 at page 46** to the writ petition after affording an opportunity of hearing to them by passing a reasoned order in accordance with law.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of **four weeks** from the date of communication of this order. The respondent No. 3 then shall communicate its reasoned order to the petitioner and the respondent No. 4 positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that, this Court has not gone into the merits of the contentions and rival contentions of the parties raised before this Court. The parties shall be at liberty to urge whatever points they wish to urge by relying upon the relevant law and rules before the respondent No. 3 and also by relying upon whatever records and documents they wish to rely upon.

In the event, the reasoned order goes in favour of the petitioner, then the appropriate authority/authorities shall give immediate effect thereto and positively within a period of **three weeks** from the date of the reasoned order to be communicated to such appropriate authority/authorities.

It is made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive its claim strictly in accordance with law.

On the above terms, this writ petition being **WPA 1022 of 2022** stands disposed of without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)