

ASR 25.
Ct. no. 24.
25.2.2025

WPA 1825 of 2025

M/s K.L. Gupta & company & Anr.
Vs.
State of West Bengal & Ors.

Mr. Debabrata Saha Ray
Mr. Biswanath Chakraborty
Ms. Shyanti Poddar

....For the petitioners

Ms. Sonal Sinha
Ms. Munmun Ganguly

.....For the State

Petitioner no. 1 is a partnership firm who appointed as Kerosene Oil agent at Mathurapur Block I in Dimondharbour sub Division as well as Joynagar-I and Joynagar-II at Kultali Block under Baruipur Sub-Division.

Upon death of one Abdul Hasem Khan, proprietor of M/S Abul Hashem Khan (another agent) the allotted quota of the said agency was tagged temporarily with the petitioner. Accordingly, in May and June, 2024 allotment of 108 KL and 144 KL on account of A. H. Khan was added in August, 2024, with the existing allotment of the present petitioner.

It is the case of the petitioner that, it appears from the quota of allotment for the month of December, 2024 that, the quota on the account of A. H. Khan was given

to one S.P. Singh and Brothers. He made a representation with the concerned Director of Consumer goods as well as the Sub-Divisional Controller. None of the representations were answered by the authority. However, one document was placed by the petitioner i.e. one of the letter dated 11.12.2024 issued by the DCF&S containing, inter alia, that 74 dealers of Kultali Block wanted to tag them with the petitioner company having distribution point at Joynagar, since the said agency is nearer to the business place.

Mr. Saha Ray, learned Advocate on behalf of the petitioner submits that by sudden direction of the authority, the business of the petitioner has been crunched, he prayed for necessary direction upon the Director of Consumer Goods, so that, his representation may be considered and he may be granted the quota of the deceased agent M/S Abdul Hasem Khan.

Learned counsel appearing on behalf of the authority concerned has submitted a brief case history wherefrom it appears that (as per order of Director of Consumer Goods it is found that both the SKO agents of M/s K.L. Gupta and Company (petitioner) and M/s S P Singh & Brothers have storage point which are equidistant from the M/S Abul Hashem Khan, Joynagar but the RC position of M/S K. L. Gupta and Company is significantly higher than M/S S. P. Singh & Brothers.

Therefore, as per the order, all the dealers tagged with M/S K. L. Gupta A/C of M/S Abul Hashem Khan have been delinked and relinked temporarily with the nearby SKO agent, M/S S. P. Singh & Brothers for smooth running of PDS.

After perusing brief case history of the respondent it appears that the respondent authority has assigned reason for relinking dealers of M/S Abul Hashem Khan with the agent of M/S S.P. Singh & Brothers). I find no justification as to why at the first instance those dealers were not tagged with M/S S. P. Singh & Brothers just after the demise of Mr. Abul Hashem Khan. Furthermore, the prayer of numbers of dealers attached with M/S Abul Hashem Khan had made their representation with the concerned SCF&S.

Considering the same it appears to me that the representation of the petitioner required to be determined by the Director of Consumer goods according to the provision of law. I further observe that the prime necessity for distribution of Kerosene Oil through the dealers is the sole consideration of this matter, so, Director of Consumer Goods shall consider the object of statute at the time of disposing of the representation.

Under the above observation, the writ petitioner is disposed of with a direction to the Director of Consumer Goods concerned, being respondent no. 2 of this writ petition to dispose of the representation of the

petitioner being annexure P 4 (page 31) of the writ petition with taking note of the report of the SCF&S concerned being annexure P 5 of the writ petition (page 35) and pass the reasoned decision according to the provision of law.

The respondent no. 2 shall dispose of the representation within six weeks from the date of communication of this order by the petitioner by giving sufficient opportunity of being heard to the petitioner as well as to the representatives of M/S S. P. Singh & Brothers. Both the petitioner and M/S S.P. Singh & Brothers is at leave to place their respective documents before the respondent no. 2.

The decision of the respondent no. 2 shall be intimated to the parties within two weeks thereafter. This court has not entered into the merits of this matter.

The respondent no. 2 shall dispose of the writ petition without being influenced by any observation by this court.

Since no affidavits have been exchange, the allegation made in the writ petition shall be deem to have been admitted.

The writ petitioner is disposed of.

Affidavit of service filed on behalf of the petitioner is taken on record.

[Subhendu Samanta, J]

