

03.04.2025
SL No.19
Court No.24
Ali

WPA 6894 of 2025
KCS Rice Mill LLP & Anr.
Versus
The State of West Bengal & Ors.

Mr. Ram Anand Agarwala,
Ms. Nibedita Pal,
Mr. Ananda Gopal Mukherjee,
Ms. Sonam Ray,
Ms. Nasrin Khatoon
..... for the petitioner.

Mr. Swapan Kr. Dutta, Sr. Adv, AGP,
Ms. Tuli Sinha
.... for the State.

Petitioner No. 1 is a limited liability partnership firm, incorporated with Ministry of Corporate Affairs under Section 12(1) of Limited Liability Partnership Act, 2008. Petitioner No. 2 is one of the partners of petition No.2. Petitioners have set up a Rice Mill for processing of Paddy and converting the same into Rice.

The Government of West Bengal in pursuance to Section 3 of Essential Commodities Act, 1955 has promulgated West Bengal Custom Milled Rice (Obligation and Control) Order, 2015 thereby in pursuance to Clause 3 of the said Control Order select/empanelled some Rice Mills for Customs Milling of Paddy.

The petitioner applied for empanelment in Paddy procurement for Kharif Mansoon Season (KMC) 2024-2025 and submitted necessary applications according to the Control Order. Vide one communication dated 17th January, 2025 the District Controller, Food and Supplies, South 24 Parganas, directed the petitioner to submit consent in writing for empanelment of the petitioner No. 1 for Paddy procurement for Kharif Mansoon Season (KMC) 2024-2025. In compliance to that memo the petitioner has filed the consent letter with the authority on 17th January, 2025. Thereafter, on 5th of February, 2025 the District Controller seeks some more documents, finally those documents as required by the District Controller were placed by the petitioner vide a letter dated 7th of February, 2025; since then the District Controller sat tight over the matter and had not empanelled the petitioner for procurement of Rice for Kharif Mansoon Season (KMC) 2024-2025, hence this writ.

Mr. Ram Anand Agarwala, learned advocate appearing on behalf of the petitioner submits that the petitioner approached the District Controller several times but no effective result has arrived at. He also approached the upper authorities and on their instructions he has also

placed some documents with the Joint Director (Procurement) DDP&S still then nothing nothing happened. So, he prayed for necessary direction so that the petitioner may be empanelled for procurement of Paddy for Kharif Mansoon Season (KMC) 2024-2025.

Mr. Swapan Kr. Dutta, learned Senior counsel appearing on behalf of the State respondent submits that the petitioner has approached the District who is the authority to pass the necessary order for empanelment.

Having heard the nature of issue arisen in the writ petition, it appears to me that the petitioner has approached several times to the authorities with necessary documents. The Kharif Mansoon Season (KMC) has already been started, the appropriate authority must take a prompt decision.

Under the above observation, the instant writ petition is disposed of with a direction to the District Controller, Food and Supplies, South 24 Parganas, being the respondent No. 6, to take a reasoned decision in terms of letter dated 17th January, 2025 (Annexure P-10) as well as a letter dated 7th of February, 2025 (Annexur3e P-12) of the writ petition alongwith connected documents and papers as placed by the petitioner and to pass

a reasoned decision within three weeks from the date of passing of this order.

The petitioner shall be given sufficient opportunity of being heard.

The petitioner is directed to communicate this order to respondent No. 6 immediately.

The decision of the authority shall be communicated to the petitioner within two weeks after taking decision.

I make it clear that this Court has not entered into the merits of this matter, the respondent No. 6 shall take independent decision according to the law, without being influenced by any observation of this Court.

As affidavits are not exchanged, the allegations made in the writ petition shall be deemed to have been not admitted.

Under the above observations, the writ petition being **WPA 6894 of 2025** is disposed of.

Parties to act upon the server copy and urgent certified copy of this order be provided on usual terms and conditions.

(Subhendu Samanta, J.)