

03.4. 2025
item No.61
n.b.
ct. no. 24

WPA 7439 of 2025

Sulekha Roy
Vs.
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

Ms. Sonal Sinha,
Mr. Rajyashi Mukherjee,
.....for the State.

Writ petitioner is running fair price shop dealership under the licence of Government of West Bengal. Upon introduction of electronic device(e-Pos machine), the allotment of foodgrains is made by the respondent authorities by uploading the allotted quantity to the dealers in his e-pos machine and according to such allocation, the concerned MR Distributor is required to supply the quantity of foodgrains to the concerned dealers for distribution amongst the tagged beneficiaries. It appears to the petitioner from the allotment sheet for quite few months that there are 20% curtailment of the gross allocation; on query from the concerned SCFS, he received the information tht e-pos machine shows some stock but the same is not available physically, reason thereby 20%

allotment was curtailed. The petitioner approached this court through a writ petition being WPA 29519 of 2024 wherein this court has directed the concerned SCFS to take a reasoned decision after giving reasonable opportunity of being heard to the petitioner. The concerned SCFS has passed the reasoned order on 27.01.2025, against such reasoned order, the instant writ petition has been preferred.

It appears from the reasoned order that during hearing the concerned SCFS is of opinion that the dealer/petitioner could not produce any document in support of his claim. The petitioner submits that he has already placed the necessary document regarding the stock details in e-pos machine and information in the e-pos machine showing 20% curtailment of allocation.

Learned counsel appearing on behalf of the petitioner further submits that the issue of the instant writ petition as well as the dispute regarding curtailment of 20% allotment cannot be dealt with by the concerned SCFS. The Special Secretary, IT & Reforms Cell, Food and Supplies Department, Government of West Bengal is the sole authority to deal with this matter. He placed a notification of Special Secretary, IT Reforms Cell dated February 12, 2024 regarding guidelines regarding issues related with reconciliation of balance correction relating to e-Pos machine.

Learned counsel appearing on behalf of the state respondent placed written instruction wherefrom it appears that Sub-divisional Controller, Food & Supply concerned is of opinion that “if distribution quantity is greater than the allocation quantity E-POS allows negative balance & same quantity will be credited after two months in respect of negative balance. So, no beneficiaries are deprived of their legitimate quota of foodgrains due to shortage of food grains.”

From the instruction, it appears that the concerned authority is of opinion that if curtailment is there and if the distribution quantity is greater than the allocation quantity, the same balance would be correct after two months. The authority has lost sight to the fact that if every month there are 20% curtailment of allotment, it would be cause difficulty to supply the food grains articles to the beneficiaries.

However, considering the entire aspect, it appears to me that the dispute and issues arisen herein is purely technical in nature. The concerned Secretary IT & Reforms Cell, Food & Supplies have to look into the matter to solve the dispute.

Under the above observation, the instant writ petition is disposed of with a direction to the Special Secretary, IT & Reforms Cell, Food & Supply Department, Government of West Bengal, being respondent no.2 of this writ petition, to consider the

representation of the petitioner and dispose of the same within six weeks from the date of passing of this order after giving an opportunity of being heard to the petitioner.

In that way, the petitioner shall furnish a detained representation to the respondent no.2 annexing all particular documents along with copy of this order within two weeks from the date of passing of this order.

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

As the no affidavit is exchanged between the parties, I make it clear that this Court has not entered into the merit of this matter. The respondent no.2 is at leave to pass a reasoned order according to law without being influenced by any observation of this Court, the allegation made in the writ petition shall be deemed to have not admitted.

Having been considered, the entire situation regarding distribution of food grains to the beneficiaries and considering the issues therein, it appears to me justified to pass an interim order for uninterrupted distribution of ration articles to the beneficiaries. There shall be an interim order in terms of the prayer 'F' of the writ petition till the passing the reasoned decision by respondent no.2.

Accordingly, the writ petition is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)