

13.5. 2025
item No.16
n.b.
ct. no. 24

WPA 9932 of 2025

**Narayan Chowdhury
Vs.
State of West Bengal & Ors.**

Mr. Debabrata Saha,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
..... for the petitioner.
Mr. Swapan Kr. Dutta,
Mr. Rajat Dutta,
..... for the State.

The petitioner is running FPS dealership under concerned Food & Supply Department. A sudden enquiry was conducted by the officials of Food Department and a huge amount of money was imposed upon petitioner as penalty. The penalty amount was Rs. 3,88,065/- by Rationing Officer Asansol-II. Against such order, the petitioner approached before the appellent authority being the Deputy Director Rationing, who after hearing the petitioner, confirm the order of the Rationing officer. Against such order, he approached the Director of Rationing through a second appeal. After hearing the petitioner, the Director of Rationing has reduced the penalty amount to the tune of Rs.2,88,735/- The petitioner has accepted the penalty amount and submitted an application before the concerned Rationing officer with a prayer that his penalty amount may be remitted through installment of Rs.5,000/- per month.

It was not considered. Thus, he again approaches to the Director through a proper representation. The Director of Rationing(Food & Supply) vide impugned order dated April 23, 2025 turned down the prayer for installment with a ground that “ there is no further scope to consider order prayer under existing provision in force”. Hence the instant writ petition.

Petitioner submits that his financial condition is very poor. It is not possible for him to deposit the entire amount of money. For which he shall suffer irreparable financial hardship. He submits that necessary direction may be passed upon the concerned Director Rationing, so, that his representation may be considered.

Mr. Dutta, learned counsel appearing on behalf of the State authority submits that there is not scope to consider the representation of the petitioner. He submits that through second appeal, about Rs.1,00,000/- penalty amount was reduced. The petitioner is quite capable to pay the penalty amount. Thus, his prayer cannot be considered.

Heard the learned counsels perused the submission as well as the pleadings of the petitioner, it appears to me that the petitioner has pleaded that he is financially poor and he also suffering physical illness. However, it appears from the representation that the petitioner approached the concerned Director, DDPS, so that the fine amount may be remitted through easy

monthly amount of Rs.5,000/-. It appears that if the entire fine amount is being remitted vide equal monthly instalment of Rs.5,000/- at least more than three years would be required to remit the entire amount.

Considering the situation, prayer of the petitioner cannot be considered in such a fashion. However, the concerned Director Rationing may allow the petitioner to remit the entire fine amount within a specific years vide equal monthly installments. However, the entire decision has to be taken by the concerned Director of Rationing who being the second appellate authority may issue direction for execution of his own order. Hence I intend to relegate the matter to re-consider the prayer of the petitioner.

Under the above observation, the writ petition is disposed of with a direction to the Director Rationing to re-consider the proposal of the petitioner for remit the entire fine amount through equal monthly installments within a specific period to be fixed by the concerned Director of Rationing.

Under the above observation, the impugned memo dated April 23, 2025 is set aside.

The petitioner is directed to approach the Director of Rationing through a representation within two weeks from the date of passing of this order.

The Director of Rationing shall dispose of the representation of the petitioner within three weeks from the date of filing of the representation.

The decision of the concerned authority shall be intimated within two weeks thereafter.

I make it clear that this Court has not entered into the merit of the matter.

The Director of Rationing shall dispose of the representation of the petitioner according to law without being influenced by any observation of this Court.

Since no affidavit has been called for, the allegation in the writ petition shall be deemed to have been not admitted.

Till such decision be taken by the concerned authority no coercive action shall be taken against the petitioner.

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

(Subhendu Samanta, J.)