

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 10851 of 2025

**M/s. Sanjib Cashew Processing
-versus-
State of West Bengal & Ors.**

**Mr. Partha Sarathi Das.
Ms. Shanta Sarkar.
Mr. Arindam Chakraborty.
Mr. S.M.U. E. Siddique.
Ms. Purnima Panda.
...For the Petitioner.**

**Mr. Biswabrata Basu Mallick. AGP
Mr. Sayan Ganguly.
... for the State.**

1. On a perusal of the report forwarded by the Secretary, Purba Medinipur Zilla Regulated Market Committee dated 10th July, 2025, it appears that the Committee is levying fees on the petitioner in terms of Section 17(A) read with Section 2 (1) (a) of the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972.

2. Specific case of the petitioner is that the petitioner is neither purchasing nor selling the agricultural produce within the area of the Regulated Market Committee. The petitioner merely imports cashew nuts and processes it within the jurisdiction of the Regulated Market Committee and thereafter sells it off elsewhere.

3. The petitioner refers to Section 17(1) of the Act which clearly mentions that notwithstanding anything contained in any other law relating to taxation of agricultural produce in force, the Market Committee

shall levy fees on any agricultural produce purchased or sold in the market area.

4. According to the petitioner, as neither purchasing nor selling of the agricultural produce takes place within the market area, accordingly, fees cannot be charged.

5. The contention by the petitioner appears to be in line with the provision of the Act. The Authority ought to first decide as to whether the fee will be payable or not and thereafter charge the fee.

6. In the instant case, the Regulated Market Committee has acted mechanically and has levied fees upon the petitioner without proper adjudication whether fee will be payable by the petitioner.

7. The Chairman of the Market Committee is directed to enquire as to whether the subject agricultural produce is either purchased or sold within the jurisdiction of the Regulated Market Committee, and if it is found that the submission of the petitioner is proper, then refund the amount illegally collected from the petitioner on account of market fees.

8. A decision shall be taken by the Chairman within a period of six weeks from the date of communication of this order after affording the petitioner a reasonable opportunity of hearing.

9. The writ petition stands disposed of.

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

(Amrita Sinha, J.)