

23.6. 2024
item No.58
n.b.
ct. no. 24

WPA 13412 of 2025

**Dipali Das
Vs.
State of West Bengal & Ors**

Ms. Pampa Dey
Mr. Biswarup Chatterjee,
..... for the petitioner.
Mr. Suman Sengupta,
Ms. Rajyashree Mukherjee,
..... for the State.

The petitioner is running FPS with the licence issued by the concerned Sub-Divisional Controller, Food & Supply, Bishnupur, district Bankura. During running the business, it was noticed to petitioner that the e-Pos Machine connected with the FPS of petitioner running faulty, reasons thereof the balance of commodities appearing in the e-Pos machine shows incorrect figures. He informed the matter to the concerned Sub-Division Controller, Food & Supply. There was an inspection to the FPS of the petitioner on the basis of which a show-cause notice was served upon the petitioner in the month of March 2025. She was called for personal hearing, where she attended and given satisfactory reasons.

It is the contention of petitioner that again one show-cause notice was served upon the petitioner vide memo dated June 10, 2025 asking the petitioner to submit a reply to show-cause within seven days from the

date of receiving that notice. Petitioner submits that show-cause notice issued by the concerned Sub-Divisional Controller, Food & Supply is illegal, so same notice is required to be quashed.

Mr. Suman Sengupta, learned advocate appearing on behalf of the State raises strong objection and submits, according to the provision to the law and under the provision of paragraph 16(9) of the West Bengal Control PDS(M&C) Order, 2013, the show-cause notice was served. He further submits that after enquiry it appears that there are shortage of foodgrains in the FPS of the petitioner as well as there is also an allegation that the cash memos of the commodities to the beneficiaries were generating delay. He submits that there is no harm to the petitioner in serving of show-cause notice. He prayed for dismissal of the instant writ petition.

Having heard the learned counsel for the petitioner it appears to me that the petitioner is running FPS under the active authority of concerned Sub-Divisional Controller, F & S. It is within the ambit of the Sub-Divisional Controller to cause inspection over the FPS of the petitioner. The concerned authority made an inspection at the FPS of the petitioner on 23rd May, 2025 wherefrom they found some discrepancies. It further appears that there are some earlier show-cause notice upon the petitioner, which was replied to the authority though the authority has not taken any decision on the

basis of earlier show-cause notice but, that does not refrain the authority concerned to conduct inspection over the FPS of the petitioner and to serve show-cause notice. It further appears that license of the petitioner not at all terminated. No card was ordered to be de-linked.

Thus, I find that the petitioner has not suffered due to service of show cause notice by concerned authority, however, it appears that the petitioner has approached this Court. Though this Court find no ground to interfere but, for the purpose of effective judicious remedy to this petitioner..

I make it clear that, it is necessary to pass a direction to the authority to dispose of the show-cause notice according to the law.

Accordingly, the instant writ petition is disposed of directing the petitioner to submit reply against the show-cause notice within three weeks from date. On such reply, the petitioner shall be served with a hearing notice in a particular date, that must be within two weeks from the date of receiving of the reply and the decision of the authority on such hearing thereof, shall be communicated to the petitioner within two weeks thereafter.

I make it clear that the petitioner has made detailed pleadings before this Court regarding the faulty FPS machine. The concerned authority shall also consider the issue at the time of hearing.

I make it clear that this Court has not gone into the merit of this matter, all issues are kept open.

The Sub-Divisional Controller, F & S concerned shall pass a reasoned order after hearing the petitioner according to the law without being influenced by any observations of this Court.

Since, no affidavit has been exchanged between the parties, the allegations made in the writ petition shall be deemed to have been not admitted.

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

(Subhendu Samanta, J.)