

26.09.2025
Item No.26
Ali
ct. no.24

WPA 23556 of 2025

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

Ms. Pampa Dey (Dhabal),
Mr. Biswarup Chatterjee,
Ms. Sarbani Dutta.

..... for the petitioner.

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Despite service, none appears on behalf of State respondent.

Petitioner challenges an order dated 18th of September, 2025 for imposition of penalty passed by Sub-divisional Controller, SCFS-Bishnupur, on the basis of an alleged inspection dated 21st of May, 2025 at the FPS of the petitioner.

It is the contentions of the petitioner that no such inspection was held on 21st of May, 2025. The authority concerned has already inspected the FPS of the petitioner on 23rd of May, 2025 on the basis of the inspection a penalty amounting to Rs.10, 000/- was imposed; the petitioner has already deposited the same. But the concerned authority has again imposed a penalty amounting to Rs. 20,000/- upon the petitioner showing fabricated inspection.

She further submits that the petitioner has carried out all directions of the authority by handing over all stocks. He submits that the order impugned passed by the concerned SCFS is required to be quashed.

Having heard the learned counsel for the petitioner and also considering the entire facts it is pertinent to note that an inspection was conducted at the FPS of the petitioner on 23rd of May, 2025, thereby some irregularities were detected by the authority on the basis of which a show cause notice was issued and thereby on hearing the petitioner. They imposed penalty amounting to Rs.10,000/- vide an order dated 21st of July, 2025.

It further appears that the petitioner has complied with the direction by paying the penalty amount with the authority. Now the order impugned was passed which discloses that the date of inspection on 21st of May, 2025, i.e. prior to the date of earlier inspection i.e. on 23rd of May, 2025 and further some other irregularities were detected.

However, it has been noted in the impugned order that the petitioner was given opportunity of personal hearing, but the date of personal hearing was not noted in the impugned order. However, I find there are some other flaws in the impugned order itself.

It further appears that the impugned order passed by the authority SCFS is an appealable order before the concerned DCF&S as per Clause 56(1)/57 of the said Control Order.

Considering the entire merit, I think it necessary to relegate the matter before the appellate authority.

In view of the above, the instant writ petitioner is disposed of.

Petitioner is directed to approach the appellate authority by making a specific appeal against the impugned order dated 18th of September, 2025.

The petitioner shall file the appeal within 28th of November, 2025. On filing the appeal on that particular date, the delay in preferring of the said appeal would be condoned according to the provision of Section 14 of Limitation Act.

The authority concerned shall not take any action in terms of the impugned order dated 18th of September, 2025 till the appeal be filed before the concerned appellate authority.

Petitioner is at leave to approach the appellate authority for extension pre-imposition of the order of stay.

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

(Subhendu Samanta, J.)

