

10.11.2025
Item No.25
BR

WPA 24693 of 2025

**Ratan Kumar Lala and another
-vs
State of West Bengal and Ors.**

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. S. Das
... for the petitioner

Mr. G.Alam,
Ms. Jayeta Mitra (Kaunda)
... for the State

1. The writ application has been preferred praying for direction upon the respondents to rescind cancel, and/or withdraw the memo bearing no. 617/SCJ/2025 dated 23.05.2025, issued by the Sub-divisional Controller (F and S), Jangipur.
2. It is the case of the petitioner that a partnership license was granted in the present case and one of the partners named Laxmi Rani Lala expired on 21.3.2025.
3. It is submitted that subsequent to such death of a partner the remaining partners of the partnership license are provided a certain period being 90 days in

this case for reconstitution of the said partnership as per rules upon making appropriate applications for such license.

4. Learned counsel for the petitioner has relied upon proviso (A) to Clause 20 of the West Bengal Public Distribution System (Maintenance and Control) Order 2013, which is as follows :-

“(A) In case of death of a partner of partnership firm having the dealer’s license, the licensing authorities may, on an application made by the surviving partner, allow him to continue the business for a period of ninety days or till the new license is granted, whichever is earlier.”

5. It is submitted by the learned counsel for the petitioner that the authorities concerned without granting the time period as provided under the Control Order proceeded to tag their licence, though temporarily, vide an order dated 4.4.2025.

6. On hearing the learned counsel for the parties and on perusal of the record, it appears that vide a memo no.394/EN/Scj/2025, also

Dated 4.4.2025, the authority (respondent no. 5) concerned directed as follows:-

*“With reference to the subject mentioned above, the undersigned acknowledge the receipt of your application for obtaining a license on compassionate grounds following the passing of **Laxmi Rani Lala, Ex Partner of Partnership FPS Dealer (FPS Code 13330040021) and Partnership S.K. Oil Dealer (WB9223-1628) on 21.03.2025.***

*To facilitate the processing of your request the undersigned kindly request you to submit the application in the prescribed form along with all the requisite documents (Checklist Enclosed) with **“Partnership deed registered by ADSR/DSR and Certification of Registration of reconstituted Partnership firm by the Registrar Firms, WB”** within the stipulated time. This ensures a smooth and efficient processing of your request.”*

- 7.** It appears that though the petitioners were requested to submit an application in the

prescribed format along with the documents as stated therein 'within **the stipulated time**' (**90 days**), the said respondent no. 2 on the same day tagged their license temporarily.

8. Admittedly, two of the partners of the said partnership (license) which initially consisted of three partners, are in existence as on date and as such the previous partnership still exists, but with a different constitution subject to regularisation.
9. This is not a case wherein a sole partner has remained on the death of the second partner.
10. It is now submitted that subsequently a new partnership has been reconstituted by a deed of partnership for a partnership license and the deed of partnership has been duly executed by three partners, but now the third partner named Nitu Lala, who has also admittedly executed the said deed of partnership, is now not appearing before the respondent no. 5 to complete the process of issuance of partnership license, by way of

reconstitution of the partnership and issuance of the license.

11. Learned counsel appearing for the private respondent submits that there is some minor family dispute but at this stage **the said respondent (third partner) is ready and willing to appear before the said authority in due compliance of the Court's order and she undertakes to cooperate in respect of all the formalities to be undertaken before the said authority, respondent no. 5 for issuance of such licence at the earliest.**
12. Considering the submission of the parties and the materials on record, the writ application is disposed of with the direction that the parties, and more so, the private respondent no. 6 Nitu Lala shall appear before the respondent no. 5, the Sub-divisional Controller on **26th November, 2025 at 11 a.m.** along with all requisites documents and the said respondent no. 5 shall proceed to complete the process of reconstitution of partnership and

issuance of partnership licence which shall also include untagging of licence, **in accordance with law** and complete the process preferably within 15 days on and from 26th November, 2025.

- 13.** It is clarified that in case any of the partners do not cooperate in carrying out this Court's order, the respondent no. 5 shall be at liberty to proceed to issue appropriate licence in favour of the remaining partners, on proceeding in accordance with law.
- 14.** Considering the above directions the time period in memo bearing no. 617/SCJ/2025 dated 23.05.2025, issued by the Sub-divisional Controller (F and S), Jangipur, is hereby extended accordingly.
- 15.** The memo no. 396(12)/Scj/S.K. Oil/2025 dated 04.04.2025 is hereby quashed and set aside. The licence be untagged accordingly.
- 16. Writ petition WPA 24693 of 2025 stands disposed of.**
- 17.** Connected application, if any, stands disposed of.

- 18.** Interim order, if any, stands vacated.
- 19.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)