

JPG 01
18.09.2025
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction
(From the Principal Bench)**

W.P.A. 1902 of 2025

**Sameer Kumar Shah
-versus
The State of West Bengal & Ors.**

**Mr. Billawadal Bhattacharya.
Mr. Janardan Periwal.
Mr. Aditya Mondal.
Mr. Deborshi Dhar.
...For the Petitioner.**

**Mr. Jayjit Chowdhury. AAG
Ms. Bedashruti Bose.
... For the State.**

1. The order dated 20th November, 2024 passed by the Additional District Magistrate (D) & Collector of Excise, Darjeeling is impugned in the instant writ petition.

2. It has been submitted that the impugned order of suspension has been passed contrary to the provisions of the Bengal Excise Act, 1909 and the Notification no. 13061-Ex dated 28th June, 1937.

3. Though the impugned order is dated 20th November, 2024, but it has been submitted that the same was served upon the petitioner only in the month of January 2025.

4. According to the petitioner, the Notification is contrary to the provision of Clause 42 (1) (d) of the Act. In support of the same, reliance has been placed on the order dated 26th April, 2017 passed by this Court in **W.P. 25848(W) of 2016 (Vijay Kumar Singh – Vs- The State of West Bengal & Ors.)**.

5. Prayer has been made to set aside the impugned order of suspension and permit the petitioner to run the business.

6. Learned advocate representing the State respondents opposes the prayer of the petitioner.

7. It has been submitted that the suspension has been made in terms of Section 42 of the Act and not merely upon Section 42 (1) (d) of the Act.

8. There are several violations, which the petitioner has committed for which the license of the petitioner stood suspended. Charge sheet has been filed before the learned Trial Court and the trial is pending.

9. It has been submitted that there is a provision for appeal and the writ petition ought not to be entertained.

10. I have heard the submissions made on behalf of the parties. The order impugned appears to be a detailed one. It is not merely on Section 42(1) (d) as portrayed by the petitioner. Several violations are reported in the impugned order.

11. Correctness of the impugned order cannot be decided by the writ Court. There is a provision for appeal. It will be open for the petitioner to approach the appellate authority in accordance with law, if so advised.

12. The writ petition stands disposed of.

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

(Amrita Sinha, J.)

