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ORDER SHEET

WPO/63/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SWAPAN KUMAR DEY
VS
THE STATE OF WEST BENGAL & ORS.

BEFORE:
The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date : 6th February, 2025.

Appearance:
Mr. Sankarnath Mukherjee, Adv.
Mr. Niraj Gupta, Adv.
…for the petitioner

Mr. Wasim Ahmed, Adv.
Md. Ziaur Rahaman, Adv.
…for the State

The Court: Affidavit of service filed in Court today be kept on record.

The writ petitioner has filed the present case to challenge the alleged inaction by the respondent STA, West Bengal in renewing his inter-state stage carriage permit No. P.St.P 35/1976 (I/S). The permit is on the route from “Dubrajpur to Dumka”. The petitioner has been holding the permit since from the year 1976, being renewed thereafter from time to time. Lastly, on September 2, 2024, the petitioner has made his prayer for renewal of permit as well as replacement of his old vehicle, which has already reached 12 years of lifespan.

Mr. Mukherjee appearing for the petitioner has referred to the resolution of the Board, State Transport Authority, West Bengal, dated August 21, 2024. He says that by dint of the same, the Board has accepted motor vehicles tax and additional tax deposited by the petitioner and imposed additional fine upon the petitioner to the tune of Rs.50,000/- plus usual fine.

He would further say that pursuant to the same, the petitioner has deposited a total amount of Rs.51,080/- on November 26, 2024, as the additional fine and usual fine amount.

Mr. Mukherjee would further refer to the relevant document to submit that replacement of vehicle of the petitioner has been allowed by the said respondent STA, West Bengal on December 2, 2024 thereby allowing to replace his old vehicle No. WB-41 F-5532 by a new vehicle being No. WB-33 D-8019.

Mr. Mukherjee would say further that in spite of the petitioner having deposited the tax, additional tax, additional fine as well as the usual fine and having been permitted to replace his vehicle, the permit of the petitioner has not yet been renewed by the respondent STA, West Bengal, thereby seriously jeopardising the petitioner's right to life and livelihood.

Mr. Wasim Ahmed, learned Advocate, has represented the State.

By dint of its resolution dated August 21, 2024, the Board, State Transport Authority, West Bengal, has decided as follows:

> "Sri Swapan Kumar Dey, the holder of PStP No.35/76(I/S) on the route Dubrajpur to Dumka extended upto Ahmedpur from Dubrajpur applied for renewal of the instant permit (beyond 01/05/2001) on 29/12/2020 with fees and some documents.

The covered vehicle no WB-41F-5532 attained the age of 12 years on 25/04/2021 (i.e. prior to the validity of the instant permit on 01/05/2021) also STA, Jharkhand does not countersign for the vehicle attaining the age of 12 years or more.

Later, he applied on 22/03/2023 for replacement order for the existing covered vehicle by BS-IV vehicle.

He produced one affidavit affirming that the outgoing vehicle no WB-41F-5532 will be scrapped after replacement and he already procured one vehicle no. WB-33D-8019 which he intended to cover under the instant permit. It was also affirmed that proposed incoming vehicle no. WB-33D-8019 was idle and not covered under any permit and outgoing vehicle no. WB-41F-5532 was not covered under any financial institution hence NOC was not needed. He also produced one document wherein it was revealed that proposed incoming vehicle no. WB-33D-8019 was covered under one I/R permit no. WB2023-SC-0345A on the route Kumaribazar to Moyna. The vehicle was released from the said I/R permit by replacement on 28/12/2023 and he intended to cover the vehicle under the instant I/S permit.

He also produced the documents of proposed incoming vehicle and other necessary documents and deposited application fees and permit fees vide T.R. challan.

The covered/existing vehicle was defaulter of taxes and C.F hence he was asked to update both. C.F could not be updated as the vehicle was already condemned/ scrapped and out dated but full M.V. Tax and Additional Tax was deposited.

Moreover, the outgoing vehicle no. WB-41F-5532 was under express service but paying tax in ordinary rate, thus he deposited difference of tax at concerned RTO on being asked.

Now it may be stated that in previous STA Board meeting dated 06/02/2024 (vide agenda no.28), members of STA decided these type of matter (wherein vehicle covered by the permit has been scrapped by the permit holder without informing appropriate authorities and now willing to place a vehicle on that permit) should be placed before STA Board on case to case basis.

Decision of STA Board

Members of STA Board decided to impose additional fine of Rs.50,000/- plus usual fine, if applicable, as per MV Act, 1988 and WBMVR, 1989.”

Therefore, it is evident that so far as payment of motor vehicles tax or additional tax by the present petitioner with respect to his vehicle, the said respondent authority would not deny the same. This part of statutory compliance has duly been made by the writ petitioner.

Further, on perusal of the payment receipt to the tune of Rs.51,080/- dated November 26, 2024, it appears that the petitioner has duly complied with the direction of the respondent Board for depositing additional fine and usual fine amount.

Further, it is noted that the said authority has allowed the petitioner to replace his vehicle by a new one. Endorsement to that effect is available on record.

In such circumstances, let this writ petition be disposed of with the direction upon the respondent no. 2 to immediately consider the petitioner's prayer for renewal of Permit No. P.St.P 35/1976 (I/S), subject to its satisfaction about due remittance of motor vehicles tax, additional tax, additional fine, usual fine, as imposed against the writ petitioner from time to time.

Needless is to say that in that case, upon being satisfied, the said respondent shall take immediate steps for renewal of permit, as above, of the writ petitioner, within no time.

The exercise as above should be completed by the respondent no. 2 within a period of three weeks from the date of communication of a copy of this order.

With the direction as above, the writ petition being WPO/63/2025 is disposed of.

(RAI CHATTOPADHYAY, J.)

sg.