

S/L 16
26.02.2026
Court. No. 25
Sourav

WPA 4719 of 2026

**Arati Hospital & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Sudipta Dasgupta
Mr. Baibhav Roy*

...for the petitioners.

*Mr. Santanu Kr. Mitra, Sr. Govt. Adv.
Mr. Subhabrata Das*

...for the State.

1. The affidavit-of-service and the report filed in Court today be kept with the record.
2. The petitioners have filed the present writ application praying for setting aside/modifying the Memo No. CMOH/(SPG)/CE/8981 dated December 1, 2025 wherein the Chief Medical Officer, South 24 Parganas directed the petitioner to submit the valid Fire NOC issued by the competent authority by February 25, 2026. It was further informed that no further extension of time shall be granted under any circumstances. The Chief Medical Officer also directed the petitioners to comply the same within the stipulated period, failing with the licence issued to the petitioners will automatically cancelled.
3. Learned counsel appearing for the petitioners submits that on January 13, 2025, the Chief Medical Officer of Health had issued licence to the petitioners for running the clinical establishment with effect from February 2, 2024 to February 1, 2027. The petitioners submit that the respondent authorities only on January 30, 2026 have communicated the recommendation for

addition/alteration of change of occupancy of an existing construction G+4 storied institutional building in the name and style of Arati Hospita (A Unit of Samarati Healthcare Private Limited). He submits that in the said recommendation there are several recommendations have been given and on receipt of the said recommendations, the petitioners have awarded the work to the safety enterprises so that the petitioners can provide all the certificates as per the recommendations.

4. Without considering that the petitioners have already appointed the authority for complete the recommendation as issued by the authority but in the meantime, the authority has issued the said order. He further submits that if the petitioners are not allowed to run the clinical establishment, the patients who have admitted in the hospital faces inconveniences. He further submits that at this stage, the petitioners only run the clinical establishment on the temporary basis and will not admit any indoor patient till the recommendations has not been completed.
5. Learned counsel appearing for the State has filed their written report wherein it reveals that the licence for the clinical establishment of the petitioner was initially granted subject to compliance of the statutory conditions prescribed under Section 9(1) of the Clinical Establishment Act read with Rules 7(1) and 7(2) of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017 including the submission of the valid fire objection certificate. He submits that at the time

of issuance of the licence, the petitioners have submitted an undertaking that they will obtain the fire NOC within six months from the date of issuance of the licence. In the report, it further reveals that time and again, the respondent authorities requested the petitioners to provide the NOC but till date NOC has not been provided and as such, the authorities have issued the impugned notice.

6. Heard the learned counsel for the respective parties.
7. Perused the materials on record.
8. This Court finds that the petitioners have obtained the licence of the clinical establishment with the condition that the petitioners will comply with all the provisions as prescribed under law. After issuance of licence, the petitioners have also filed an affidavit undertaking that they will submit Fire NOC immediately (maximum within four months to the licensing authority on receiving from the concerned department). In spite of undertaking submitted by the petitioners, the petitioners have not furnished the Fire NOC from the concerned authority. The respondent authorities have also issued the show-cause notice upon the petitioners and personal hearing was also conducted but the petitioners failed to comply with the provisions of Section 9(1) of the Clinical Establishment Act read with Rules 7(1) and 7(2) of the West Bengal Clinical Establishment (Registration, Regulation and Transparency) Act, 2017.
9. This Court finds that on January 30, 2026, the Director, West Bengal Fire and Emergency Services has issued a letter to the petitioners directing the petitioners on

compliance of all the fire and life safety recommendations will approach the concerned authorities for necessary inspection and testing all the installation and after completion of all the work, if the authority will be satisfied, appropriate fire certificate will be issued to the petitioners with regard to the premises in question.

10. Considering the above, this Court finds that licence was issued to the petitioners with the conditions that the petitioners will comply with all provisions of law and the petitioners has submitted an affidavit by way of an undertaking that the petitioners will furnish Fire NOC within six months but till date the petitioners have not furnished the NOC. This Court also finds that on January 30, 2026, the Director, West Bengal Fire and Emergency Services has issued the recommendations to the petitioners. Accordingly, the petitioners are directed to comply with the recommendations in terms of the letter dated January 30, 2026 within a period of three months.
11. If the petitioners comply with the recommendations in terms of the letter dated January 30, 2026 the petitioners shall inform to the respondent no. 6 and on receipt of the compliance, the respondent no. 6 shall immediately inspect the premises and if he finds that the petitioners have complied with all recommendations, the respondent no. 6 shall provide certificate to the petitioners within two weeks and if it is found that, the petitioners have not completed the recommendations as per letter dated 30.01.2026, the respondent no. 6 shall inform the same to

the petitioners and the petitioners shall complete the recommendations.

12. On receipt of certificate from the respondent no. 6, the petitioners shall submit the same to the respondent no. 3 and the respondent no. 3 shall consider the same and will pass appropriate orders within two weeks from the date of receipt of certificate from the petitioners.
13. It is made clear that the petitioners are not having the fire licence and other safety measures to run the clinical establishment, this Court is not inclined to pass any order allowing the petitioners to continue the clinical establishment till the recommendation is completed by the petitioners in terms of the letter dated January 30, 2026 and the competent authority issue licence to the petitioners to run the clinical establishment.
14. **WPA 4719 of 2026** is disposed of.
15. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)