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28.01.2026
Court No. 10
AGM

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 28001 of 2024

**M/s. S.P. Kundu & Brothers
-versus
The State of West Bengal & Ors.**

**Mr. Debabrata Saha Roy. Sr. Adv.
Mr. Sujit Sankar Koley.
Mr. Swagatam Dem.**

... For the petitioner.

**Ms. Sonal Sinha.
Ms. Tuli Sinha.**

... For the State.

1. The petitioner is a partner of M/s. S.P. Kundu & Brothers, a partnership firm carrying on business as M.R. Distributor at Nutan Bazar, Arambagh, Hooghly.
2. The petitioner all along is carrying M.R. Distributorship business by smooth distribution of M.R. Articles amongst the M.R. Dealers by maintaining an unblemished record.
3. The petitioner in the instant case prays inter alia, for refund/replenishment 20 M.T. of rice delivered/supplied to the Arambagh Municipality in emergency situation arisen out of flood in 2015, which is evident from letter dated 2.8.2015 addressed to the respondent no. 4 by Arambagh Municipality for supplying 20 M.T. of rice for feeding the flood and rains affected people of Arambagh Municipality

which has been duly acknowledged by the municipal authorities.

4. The petitioner made a representation dated 12.5.2020 before the respondent no. 3 for replenishment of the 20 M.T. of rice for delivering to the Arambagh Municipality for feeding the flood and rain affected people of Arambagh Municipality.
5. Thereafter, the respondent no. 4 made a further representation to the respondent authority by a letter dated 13.5.2020 requesting inter alia, for the replenishment of 20 M.T. of rice to the petitioner being the M.R. Distributor, Gourhati, Arambagh, Hooghly.
6. Since the 20 M.T. of rice was not replenished by the Food and Supplies Department, the petitioner was compelled to make a representation before the respondent no. 3 on 7.7.2022 but the same remains pending for consideration.
7. Learned counsel for the petitioner submits that during the pendency of the writ petition, the respondent no. 3 passed an order on 10.3.2025 by imposing a fine of Rs. 2,76,57,228/- on the ground of certain irregularities which were detected at the time of inspection conducted on 13.12.2024.
8. It is further submitted that the irregularities detected at the physical verification of the stock suffers from an infirmity since the issue of supplying 20 M.T. of rice was made in the year 2015 subsequent thereto the representations were made in the year 2020 much before the inspection was conducted to replenish the 20 M.T. of rice, which was delivered and received by the Arambagh Municipality.

9. The State respondents fairly submits that this matter should be remanded back to the respondent no 2 to enquire into the veracity of the irregularities as revealed during the inspection conducted on 13.12.2024.
10. After careful consideration of the case on the basis of the records available, I direct the respondent no. 2 to re-visit the issue of replenishment of 20 M.T. of rice which was delivered and supplied to Arambagh Municipality for feeding the flood and rain affected people within a period of eight weeks from the date of communication of this order by passing a reasoned order in accordance with law upon affording an opportunity of hearing to the petitioner and the Executive Officer, Arambagh Municipality and communicate such decision within a week thereafter.
11. However, it is made clear that at the time of hearing, the respondent no. 2 shall consider all the relevant documents annexed to the writ petition being WPA 28001 of 2024 along with the documents annexed to the supplementary affidavit affirmed on 1st April, 2025 for arriving at a logical conclusion.
12. In the meantime, the respondent authorities are restrained from taking any coercive steps till the date a decision is taken by the authority concerned.
13. The writ petition stands disposed of without taking any exception to the merits of the case.
14. Urgent photostat certified copy of this order, if applied for, be given to the learned counsel for the parties on usual undertakings.

(Smita Das De, J.)