

06.04.2026
M/L No.5
Court No.12
(gc)

**FMA 1838 of 2025
CAN 1 of 2025**

**Calcutta Veneer Industries Pvt. Ltd.
VS
The State of West Bengal & Ors.**

Mr. Srijib Chakraborty,
Mr. Subhasis Chakraborty,
Mr. Sunny Nandy,
Ms. Sushmita Kumar Singh

...for the Appellant.

Mr. Ashis Kr. Guha,
Mr. Tarak Karan

...for the State.

1. The appellant is aggrieved by an order dated November 12, 2025, passed in WPA 22291 of 2024. By the order impugned, the learned Court rejected the writ petition with cost. The cost was directed to be paid to the State Legal Services Authority, within a period of one week from date. Such cost was imposed by His Lordship on arriving at a finding that the appellant was trying to mislead the Court, to get a favourable order. The writ petition was filed challenging notice dated December 27, 2016 by which the licence of the appellant was cancelled. The communication dated September 29, 2022, as also the order dated July 18, 2024, passed in an appeal were also assailed in the writ petition.
2. By an Office Order No.399/Saw Mill, dated December 27, 2016, licence of some of the Wood Based Industries

of Nadia, and Murshidabad Division were cancelled. Amongst several wood based industries, the appellant's industry figured in the list under serial no.3.

3. The Conservator of Forest Administration by a letter dated September 29, 2022, informed the proprietor of the appellant that the application for renewal of the licence of the industry could not be proceeded with for the reason that the general category licence bearing No.FD/NM/42/N dated September 23, 1988 had been cancelled long back due to non-renewal, because the saw mill was closed and the unit was shifted without permission. On the date of the communication i.e. September 29, 2022, the licence had stood cancelled with the remarks, "non-existing so the licence cannot be renewed". It was further communicated that, a secondary category licence which was applied for sometime in 2011 before a Divisional Forest Office, Jalpaiguri Division in the name and style of "Kasto Udyog" was in the list placed before the 5th SEO and had been approved by the SEO in the meeting held on June 13, 2022. The Divisional Forest Officer, Jalpaiguri Division and Authorized Officer had confirmed that he had already completed the process of hearing and realization of fees in respect of the issuance of licence to Kasto Udyog.

4. The other order which was under challenge in the appeal was the order of July 18, 2024 passed by the Appellate Authority. The appeal was filed pursuant to a direction of the High Court in WPA 8544 of 2023. It appears from the order in appeal that, the cancellation of the licence on December 27, 2016 was under challenge in the writ petition and His Lordship had recorded that the appellant had waived the right of appeal and acquiesced to the cancellation of licence probably on the premise that the Secondary licence was given to Kasto Udyog, a sole proprietorship of the same director of the appellant company.
5. The challenge to the cancellation for the first time was made in WPA 8544 of 2023, that is, after more than a year from the date of the appellant first coming to learn about such cancellation.
6. His Lordship, upon recording the delay caused, held that the order of cancellation could not be decided by His Lordship and the merits of the said cancellation were not gone into. It was left open to the appellant to approach the appropriate authority under the proviso to Rule 8(2) of the 1982 Rule. The appellant filed the appeal and the appellate authority passed an order with reasons. It was held that the cancelled licence could not be renewed. The appellant could not file any document in support of his contention as to why the licence

should not have been cancelled. The provisions of law which debarred renewal of a cancelled licence was mentioned in the order and the order of cancellation was upheld. The Appellate Authority recorded that the appellant had applied for renewal of a cancelled licence which was not permissible in law.

7. Mr. Chakraborty, learned Advocate appearing on behalf of the appellant placed reliance on a communication of January 13, 2022 in support of his contention that, the authorities themselves had asked the appellant to appear for a hearing with regard to the prayer for renewal of licence. It appears from the communication, that the authorities did not have any objection to grant a Secondary saw mill licence, but the original licence which was cancelled in 2016 was neither renewed nor was any order passed revoking the cancellation of the licence. This communication does not help the case of the appellant. In a communication dated December 9, 2021, issue of shifting of the unit to Jalpaiguri was being deliberated upon and it appears that the permission to allow shifting was also rejected.
8. In the order impugned, the learned Court held that submissions were made before another single Judge that a fresh application for renewal of licence had been made, which were misleading and contrary to the records.

9. It appears to us from the records that, application for renewal was filed with regard to Kasto Udyog, Jalpaiguri Division and a Secondary licence was given to Kasto Udyog. On the other hand, the licence of 2016 was cancelled on the ground that the unit was closed, no application for renewal had not been filed within time and without permission from the authority, the unit was shifted to Jalpaiguri. These aspects were not pleaded in the writ petition, although, it is submitted that the documents were annexed. The submissions made before the writ court were confusing and the exact situation had not been properly represented. Inconsistent statements had been made.
10. The writ petitioner has not been able to convince us that the order of cancellation of the licence in 2016 bearing No. FD/MN/42/N dated September 23, 1998 was contrary to law, and that the appellant authority had committed an error of jurisdiction.
11. Under such circumstances, we are of the opinion that the order of the Appellate Authority which clearly recorded that once the licence was cancelled in 2016, no further application for renewal of that licence could be entertained under the law, does not suffer from any irregularity.

12. However, we find that, the cost is excessive and we reduce the same to Rs. 50,000. Remaining part of the order of His Lordship is not interfered with.
13. This order will not prevent the appellant from applying for fresh licence in accordance with law, for wood based industry, and if such application is made, the same shall be disposed of by the competent authority in accordance with the provisions of law, within three months from the receipt of such application.
14. Accordingly, the appeal and the connected application are disposed of.
15. There shall be no order as to costs.
16. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)