

14.01.2026
Item No.17
Court No. 10
AGM

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction
Appellate Side

W.P.A. 29580 of 2025

Pranab Kumar Kar

-vs-

The State of West Bengal & Ors.

Mr. Debojyoti Deb.
Mr. Tamal Ghosh.
Ms. Soudyuti Parekh.
Mr. H. K. Jha.

... For the petitioner.

Ms. Sonal Sinha. Ld. A.G.P.
Ms. Tuli Sinha.

... For the State.

1. The petitioner in the instant case operates the Fair Price shop in Jyotishpur village in Basanti Block, South 24 Parganas.
2. In a nutshell, the petitioner has suffered an order of suspension on the allegation that handful of villagers did not receive any Aila rice. The order of suspension and imposition of fine was challenged before the First Appellate Authority being the respondent no. 3 herein. The amount of the fine was substantially reduced by the authority concerned.
3. The order of the respondent no. 3, was further challenged before the Second Appellate authority, being the respondent no. 2 who was pleased to affirm the order of the First Appellate Authority.
4. The petitioner challenges inter alia, the order of the Second Appellate Authority dated 8.10.2025 mainly with regard to the observation No. (i), which is reproduced below :

“ i. On the Defence of e-PoS records: The appellant’s primary defense rests on the existence of e-PoS biometric transactions. While this system is a crucial tool for transparency, it records authentication, not the physical act of handing over goods. The consistent, specific, and grave complaints from a significant number of beneficiaries, gathered through multiple independent field verifications, point towards a potential malpractice of recording biometric authentication without delivering the full entitlement of rice. The findings of the Enquiry Report dated 4.9.2025, which details beneficiaries not receiving rice for over two years, severely undermine the claim that e-PoS records along are irrefutable proof of physical delivery.”

5. The petitioner submits that each and every beneficiary received Aila rice through e-PoS biometric transactions. The said system as introduced by the Food and Supplies Department, is a conclusive proof of identification of distribution which rules out the allegation of non-delivery of the Aila rice to the beneficiaries.
6. The petitioner submits that the order of suspension was passed without adducing any cogent evidence to corroborate that an anomaly has been created by the petitioner at the time of distribution of the Aila rice to the individual beneficiaries.
7. The order passed by the respondent no. 2 for confirming the order of the First Appellate Authority is the subject matter of challenge in the instant writ petition.
8. The petitioner submits that the e-PoS biometric transactions is the crucial tool for transparency, it records authentication.
9. It is further submitted that the e-PoS biometric transactions are the biggest scientific proof of transparent transaction by handing over of goods to

the consumer after the same is being weighed and recorded by way of finger print impression.

10. Learned counsel for the State respondent files a report and submits that already a personal hearing was given to the petitioner on 28.10.2024 and the statements of the petitioner have been recorded by the authority concerned which forms a part of the report filed by the State respondents. The report is kept with the records.
11. It is further submitted that a Field Enquiry was conducted by interacting with the families of the beneficiaries on 2.9.2025 in respect of verification of the allegations regarding non-receipt of Aila rice from the Fair Price Shop operated by the petitioner under Basanti Block.
12. Learned counsel for the State relies upon the report of the Field Level interaction held on 4.9.2025, which is reproduced below:

“2. Total 15 beneficiaries report that their families possessed two valid Aila ration cards, making them eligible for 32 kg of Aila rice. However, only 16 kg was distributed. The dealer allegedly did not issue ration against the second card, thereby intentionally depriving the beneficiaries of their full entitlement.”
13. Having heard the parties on the basis of the available records, I am of the considered view that from the report filed by the State respondents it is not evident that such enquiry was conducted in presence of the petitioner.
14. For the sake of equity and justice, I direct the respondent no. 2 to re-visit the issue by holding a further Field-Level Interaction of the beneficiaries of the Aila rice with the assistance of respondent no. 5, being the B.D.O., Basanti in presence of the petitioner and the Pradhan and Karmadhakya of the

Basanti Panchayat Samality.

15. The entire exercise shall be completed within a period of eight weeks from the date of communication of the order.
16. In the meantime, the respondent no. 2 is directed to serve notices upon the all beneficiaries as well as all the interested persons with the assistance of the respondent no. 5.
17. The writ petition stands disposed of without taking an exception to the merits of the case.
18. However, it is made clear that if at the time of conducting the enquiry, it appears that there exists irregularity with regard to the malfunctioning of the e-PoS machine, the same can be sent for Forensic Examination by the respondent no. 2.
19. The petitioner prays for a copy of the report dated 4.9.2025. Such prayer is allowed. The copy has been handed over to the learned advocate appearing for the petitioner by the State respondents in Court today.
20. In the meantime, if the respondent no. 2 arrives at a finding that there is no irregularity on the part of the petitioner then the respondent no. 2 shall forthwith revoke nad/or cancel the order of suspension and allow the petitioner to run the Fair Price Shop.
21. 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]

