

18.03.2026

Ct. No. 5

Sl. No.6

akd

In The High Court at Calcutta

Circuit Bench at Jalpaiguri

W. P. A. 206 of 2026

[M/s. Praveen Wood Products & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Jagriti Mishra
Ms. Ananya Bhattacharya
Ms. Mrinmayee Das
Ms. Dayeeta Datta

... .. for the petitioners

Mr. Subir Kumar Saha
Mr. Nabankur Paul

... .. for the State

1. The petitioners have preferred the present writ petition seeking a direction in the nature of mandamus directing the respondents to forbear from collecting levy of market fees on plywood and veneer in any manner whatsoever under Sections 17 and 17A of the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972 (hereinafter referred to as the 'said Act').

2. Learned Advocate for the petitioners submits that a coordinate Bench of this court vide order dated 04.07.2018 passed in W.P. No. 9042(W) of 2018 (*Sashi Timber and Plywood Industries Pvt. Ltd. & Ors. Vs. The State of West Bengal & Ors.*) has restrained the respondents from giving effect to the notification dated 24.07.2017 issued under sub-section 1(a) of Section 2 of the said Act. It is contended that in view of the said interim order, the inclusion of plywood and veneer under the relevant category cannot be given effect to and, consequently no market fees under Section 17(1) of

the said Act can be levied or realized from the petitioners as the same do not constitute agricultural produce.

3. Learned Advocate for the petitioners further submits that a coordinate Bench of this Court in MAT 960 of 2021, MAT 1257 of 2021 and MAT 686 of 2017 had restrained the respondents from levying or realizing any market fees from the petitioners on plywood and veneer pursuant to the notification dated 24.07.2017 till the disposal of the pending appeals.

4. Learned Advocate for the State-respondents submits that since the notification dated 24.07.2017 has already been stayed and the said issue is pending adjudication before the Hon'ble High Court, the Department and the market committee are not levying any fees or charges under Section 17(1) of the said Act. He further submits that the present writ petition has been filed by the petitioners on mere apprehension that despite the notification dated 24.07.2017 being stayed by the coordinate Bench of this Court and the matter being pending adjudication, the market committee may levy fees from the petitioners.

5. Learned Advocate for the petitioners has drawn the attention of this court to a notice issued by the Cooch Behar Zilla Regulated Market Committee dated 06.05.2020 wherein despite there being a stay on the notification dated 24.07.2017, the market committee had issued a notification for collection of assessed market levy at the point of transaction within the market area in terms of the provisions of the West Bengal Agricultural Produce Marketing

(Regulation) Act, 1972, along with introduction of an Online IT-based assessment system for such collection.

6. Learned Advocate for the State-respondents submits that they will ensure that the directions passed by this court are complied in letter and spirit and that the petitioners will not be burdened with any levy of fees or taxes under Section 17(1) of the said Act till the notification dated 24.07.2017 had been stayed or is decided by this court in the relevant proceedings which are pending adjudication.

7. Heard the learned Advocates for both the parties and perused the materials on record.

8. This Court is satisfied by the statement made by the learned Advocate for the State-respondents that they shall not issue any levy or taxes in terms of Section 17(1) of the said Act till the notification dated 24.07.2017 had been stayed by this court in various proceedings and that the matter has been carried forward in the appeals being MAT 960 of 2021, MAT 1257 of 2021 and MAT 686 of 2017 respectively. The orders passed by the coordinate Bench as well as the Division Bench shall be complied with and no adverse direction shall be passed by the market committee or the respondents till the notification dated 24.07.2017 remains stayed by this court.

9. With the aforesaid observations, the present writ petition is disposed of.

10. It is made clear that the petitioner shall be at liberty to agitate the issues raised in the present proceedings, depending upon the outcome of the aforesaid appeals pending before the Division Bench.

11. Since no affidavits have been filed by the respondents, the allegations made in the writ petition shall not be deemed to have been admitted.
12. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Gaurang Kanth, J.)