
(2021) 06 CAL CK 0064
In the Calcutta High Court
Case No : Writ Petition No. 10600 Of 2021

Debdulal Maity

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 17-06-2021

Acts Referred:

Citation : (2021) 06 CAL CK 0064

Hon'ble Judges : Shampa Sarkar, J

Bench : Single Bench

Advocate : Ram Anand Agarwal, Prosenjit Mukherjee, Susovan Sengupta, Subir Pal

Final Decision : Disposed Of

Judgement

Â Affidavit of service is taken on record.

This writ petition has been filed by one of the heirs of an erstwhile kerosene dealer, since deceased. The application has been filed for a

compassionate consideration of grant of the licence to the petitioner in terms of the West Bengal Kerosene Control Order, 1968. Records reveal that

several communications have been made to the authorities concerned by the petitioner but the authorities have not taken a decision finally with regard

to the application of the petitioner under Form D (Paragraph - 6) of the said control order.

It has been pleaded specifically by the petitioner in paragraphs 15 and 16 of the writ petition that the concerned office had verbally informed the

petitioner that the file was lying with the State Government for final approval with regard to the grant of licence. Although such communication was

made verbally, based on such communication the petitioner also wrote another

letter dated May 31, 2021 to the Sub-Divisional Controller, Food and Supplies, Ghatal.

Without going into the merits of the writ petition and the claim of the petitioner to get such licence, this writ petition is disposed of with a direction upon

the concerned respondent, before whom the file is lying and who is responsible for granting the final approval to dispose of the matter upon

considering the application of the petitioner. The said authority shall decide the eligibility of the petitioner in accordance with the provisions of the

control order.

The concerned respondent before whom the file is lying and who is ultimately responsible for grant of approval shall either approve the application for

grant of licence if the petitioner is found eligible under the provisions of law and the control order or if it is found that the petitioner is otherwise not

eligible then a reasoned order should be passed and communicated to the petitioner upon hearing the petitioner. The petitioner shall be allowed to

answer the queries and objections raised by the authority by making appropriate submissions and by filing any additional evidence and documents.

Seven days clear notice of hearing should be given to the petitioner.

In case the petitioner is found eligible then the approval should be granted within six weeks from the date of communication of this order and the

licence shall be granted within four weeks thereafter.

In case the petitioner is found ineligible after hearing the petitioner a reasoned order should be passed and communicated to the petitioner within eight

weeks from date of hearing of the petitioner.

The authority concerned shall exercise jurisdiction in accordance with law and independently.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

All parties are to act on the server copy of this order.