

11.09.2025
Sl. No.29
AMR
Ct.No.38

WPA No. 7039 of 2025

Pronob Das
Vs.
The State of West Bengal & Ors.

Mr. Prosenjit Mukherjee
Mr. Saptarshi Chakraborty
Mr. Prosenjit Changder

...for the Petitioner

Ms. Tanoy Chakraborty
Mr. Saptak Sanyal

...for the State

Affidavit of service filed by the petitioner be kept with the record.

The grievance of the petitioner in the present application is that the Superintendent of Excise and Deputy Commissioner of Revenue, North 24-Parganas (Rural) has rejected the request of the petitioner for grant of licence for Restaurant-cum-Bar on the ground that there is a strong objection from the local people against opening of the Bar on ground of apprehension of breach of peace and privacy of the inhabitants as per the report received by the office of the Superintendent of Excise.

The petitioner says that the petitioner has applied for grant of Bar licence. On receipt of the request made by the petitioner Letters of Intent was

issued after conducting enquiry and the petitioner has deposited initial grant fees of Rs. 4,00,000/- for new RCB licence. After issuing of LOI, the Superintendent of Excise has conducted an enquiry and on receipt of the objection from the local people for opening of the Bar, the Excise Commissioner rejected the claim of the petitioner.

This Court finds that the Excise Commissioner has rejected the request of the petitioner on the strong objection from the local people for opening of the Bar in terms of Clause 9 (C) (a) and (b) of the West Bengal Excise (Selection of New Sites and Grant of License for Retail Sale of Liquor and Certain Other Intoxicants) Rules, 2003.

This Court considers the grievance of the petitioner and found that the Superintendent of Excise has rejected the request of the petitioner only on the ground of strong objection from the local people against the opening of the Bar on the said locality. But the concerned authority has not given an opportunity of hearing to the petitioner and the objection received by the Superintendent of Excise was not supplied to the petitioner.

Thus, this Court is of the view the order passed by the Superintendent of Excise is in violation of natural justice. Accordingly, on the said reason, this

Court sets aside the impugned order dated 12th February, 2025 passed by the Superintendent of Excise. However, the Superintendent of Excise is directed to reconsider the request of the petitioner for grant of licence for opening of Restaurant-cum-Bar licence after giving an opportunity of hearing to the petitioner by supplying the objection received by the office of the Superintendent of Excise from the local people against the opening of the Bar by the petitioner in the said locality.

The Superintendent of Excise is directed to pass a reasoned and speaking order after giving an opportunity of hearing to the petitioner within a period of six weeks and to communicate the order to the petitioner within a week thereafter.

With the above observations, the instant writ petition, being **WPA 7039 of 2025**, is **disposed of**.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Krishna Rao, J.)