

04.08.2026

Sl no. 15
Ct no. 2
P.M.

W.P.A. 15510 of 2026

Shyamlal Pandit
- Vs -
The State of West Bengal & Ors.

Mr. Dilip Kumar Samanta,
Mr. Biswapriya Samanta
... for the petitioner

Ms. Manju Agarwal Ld. AGP,
Mr. Atanu Basu,
Mr. Tarun Kumar Jana
... for the State.

1. Learned counsel for the petitioner has filed written submission. Let it be taken on record.
Copy be supplied learned counsel for the State.
2. Learned counsel for the petitioner submits that the application of the petitioner for inter-state stage carriage permit was allowed by the State Transport Authority on 20th May, 2025 and pursuant to that an offer letter for grant of a permanent stage carriage permit was issued.
3. Learned counsel submits that there was error in the offer letter dated 20th June, 2025. Learned counsel submits that initially the petitioner filed a writ petition being WPA 86 of 2026 pursuant to which hearing was conducted by the State Transport Authority on 16th June, 2026.

4. Learned counsel submits that the authority passed a cryptic order whereby the request of the petitioner for extension of the offer letter was rejected.
5. Learned counsel submits that the petitioner has taken huge loans and he would suffer irreparable if the stage carriage permit is not granted.
6. Learned counsel further submits that time has prescribed in Rule 141 of the West Bengal Motor Vehicles Rules 1989 is merely directory and not mandatory.
7. Learned counsel has relied upon a judgement of this Court in W.P. 21190 (W) of 2005 and M.A.T. No. 2799 of 2007.
8. Learned counsel for the State has opposed the same. Learned counsel submits that there is no permission for extension of the time as provided as Rule 141 of the West Bengal Motor Vehicles Rules 1989. Learned counsel further submits that the petitioner had an alternative remedy of filing an appeal as provided under Section 89 of the Motor Vehicles Act. Learned counsel also submits that petitioner is also liberty to make a fresh application for permanent inter-state stage carriage permit.

9. Learned counsel for the petitioner submits that the Tribunal as provided under Section 89 of the Motor Vehicles Act is not in existence.
10. The Court considers that the State Transport Appellate Tribunal as provided under Section 89 of the Motor Vehicles Act should be constituted earliest.
11. The Court considers that the core question in the present writ petition is that whether time limit provided under Rule 141 of the West Bengal Motor Vehicles Rules 1989 is “mandatory” or “directory”.
12. Let the matter be listed for argument on this point.
13. Further the Court considers that non-functioning of State Transport Appellate Tribunal must be causing huge inconvenience to the public at large. The State Government is under bounden duty to establish the forums as provided under the law. Section 89 sub-section (2) of the Motor Vehicles Act, 1989 provides that such Tribunal should be constituted by the State Government.
14. Learned Chief Secretary, West Bengal is impressed upon to take steps for constitution

such Tribunal expeditiously in accordance with law.

15. Let copy of the order be sent to the learned Chief Secretary. Learned counsel for the State undertakes to serve the same upon the learned Chief Secretary.
16. Let the compliance report be filed within two weeks.
17. Let the matter be listed on 25th August, 2026.
18. In the meanwhile petitioner may move a fresh representation for fresh consideration. The concerned authority may consider afresh the same in accordance with law after giving parties an opportunity of hearing.

(Dinesh Kumar Sharma, J.)