

06.08.2024
Sl. Nos.1 to 8
akd

M. A. T. 1543 of 2024
(CAN 1 of 2024)

[Setara Begum -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1544 of 2024
(CAN 1 of 2024)

[Buddhadev Polley -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1545 of 2024
(CAN 1 of 2024)

[Tapan Sardar -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1546 of 2024
(CAN 1 of 2024)

[M/s. Nagarmal Mahabir Prosad & Anr. -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1547 of 2024
(CAN 1 of 2024)

[Nabadip Kr. Mandal -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1548 of 2024
(CAN 1 of 2024)

[Ranjan Jathi -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1549 of 2024
(CAN 1 of 2024)

[Surajit Saha -Vs- State of West Bengal & Ors.]

W I T H

M. A. T. 1550 of 2024
(CAN 1 of 2024)

[Jahar Bhowmick -Vs- State of West Bengal & Ors.]

Mr. Debabrata Saha Roy
 Mr. Pingal Bhattacharyya
 Mr. Subhankar Das
 Mr. Neil Basu
 Mr. Sankha Biswas

... .. for the appellant
 [in all appeals]

Mr. Ramesh Dhara

... .. for respondent no.6
 [in MAT 1543/2024]

Mr. Sirsanya Bandyopadhyay .. Jr. Standing Counsel
 Mr. Ritesh Kumar Ganguly

... .. for the State
 [in MAT 1543/2024,
 MAT 1546/2024 &
 MAT 1549/2024]

Mr. Suman Sengupta
 Mr. Dwaipayan Basu Mallick

... .. for the State
 [in MAT 1544/2024]

Mr. Suman Sengupta
 Ms. Amrita Panja Moulick

... .. for the State
 [in MAT 1545/2024,
 MAT 1547/2024
 MAT 1548/2024 &
 MAT 1550/2024]

1. Mr. Debabrata Saha Roy for the appellants contends the State has taken pre-varicating stance with regard to full implementation of National Food Security Act, 2013 (hereinafter referred to as '*NFSA, 2013*') in the State. Before the Hon'ble Supreme Court, the State had pleaded that the Act has been fully implemented. However, in the written submissions placed before the Hon'ble Single Bench, the stance was that the Act has not been fully implemented. Hon'ble Single Bench ought not to have relied on such submission which runs counter to the stance taken by the State in the Special Leave Petitions (SLPs) pending before the Hon'ble Apex Court.

2. Mr. Suman Sengupta with Mr. Sirsanya Bandyopadhyay, learned Junior Standing Counsel contend the consistent stance of the State is that the Act has not been fully implemented. However, steps are afoot to implement the Act fully. In support of their submission, they refer to the observations in the impugned judgment that the Advocate General in a colateral proceeding had informed the court that the Act has not been fully implemented.
3. Appellants are fair price shop owners and MR Distributors under the West Bengal Public Distribution System (Maintenance & Control) Order, 2013 (hereinafter referred to as '*State Control Order, 2013*'). Their principle grievance is the issuance of a vacancy notice under the State Control Order, 2013 for appointment of new dealers under the said order.
4. It is contended the State Control Order, 2013 is no longer in force as it stands superseded by NFSA, 2013 and the control order viz. Targeted Public Distribution System (Control) Order, 2015 (hereinafter referred to as '*TPDS Control Order, 2015*') framed thereunder.
5. Proviso to Section 1 of TPDS Control Order, 2015, inter alia, states Public Distribution System Control Order, 2001 shall continue to have effect in any State which has not implemented NFSA, 2013 or is implementing the Act only in part.
6. Appellants have sought to make out a case that the State has taken inconsistent and evasive stance in various proceedings with regard to full implementation of NFSA, 2013.

7. To clarify the position we call upon the Principal Secretary, Food & Supplies Department, Government of West Bengal to file affidavit disclosing whether the NFSA, 2013 has been fully implemented in the State or not and if the same has not been done, the reason for its non-implementation in full. The affidavit shall be filed by 12.08.2024.
8. Response to the affidavit, if any, shall be filed by the adjourned day.
9. Let the matters appear on **14.08.2024**.
10. We direct none of the ration card holders shall be delinked from the dealers and the dealers shall not be delinked from the distributors if not already done for a period of two weeks from date or until further orders, whichever is earlier.
11. If any delinking of ration cardholders and/or dealers has already been done, the same shall abide by the result of the appeals.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)