

21.11.2025
Item No.7
Ct. No. 30
Aloke

WPA 26334 of 2025

**Nilanjan Bhowmick
Vs
The State of West Bengal & Ors.**

Mr. Mukteswar Maity
Mr. Rafiqul Islam
Ms. Manika Sarkar
... for the petitioner
Ms. Sonal Sinha
Ms. Ashmita Chakraborty
... for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondent no. 4 to withdraw the impugned order being memo no. 255(9)/RO/RNT/2025 dated 12.11.2025 as bad in law and also the order dated 14.11.2025 being memo no. 156/RO/RNT/2025.
3. On hearing the learned counsels for the parties and on perusal of the materials on record, it appears that vide a notice dated 10.10.2025, the petitioner was given a hearing by the Rationing Officer, Rajarhat Newtown. On the basis of the said hearing, an order dated 12.11.2025 was passed wherein the Rationing Officer being the respondent no. 4 herein directed as follows :

*“Being the Licensing Authority, in exercising
the provisions in WBTPDS Order 2024*

- 1) Chapter-IX (Offense and Penalties), Clause (45), sub-clause (1), Point (iv&vi)
- 2) Schedule C, Part (1) Point (2)

The provisional license of Nilanjan Bhowmick (License No. WB0006657111) is being put under Suspension temporarily until further order of revoke.

Rationing Officer
Rajarhat Newtown”

4. Vide another letter dated 14.11.2025, the petitioner has been asked to handover the e-POS & Weighing Machine and weighing scale to the authority concerned. The petitioner submits that the suspension of the licence is not in accordance with law and, as such, the orders are to be stayed.

5. It appears that the Rationing Officer has applied Clause (45) sub-clause (1), point (iv & vi) under Chapter-IX (Offense and Penalties) and the penalty has been imposed as per Schedule C Part (I) Point (2) which provides as follows:-

Sl No.	Offences/contravention under relevant Clause	Penalty for first offence/contravention	Penalty for second time offence/contravention of same provision	Penalty on third time or subsequent offence/contravention of same provision
2	Contravention of any of the provisions subclauses (11) to (27) of clauses 16 or any of the non-compliance mentioned in point (iii) to (xi) of Sub-clause (1) of Clause 45	Fine of minimum of Rs. 10,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 20,000/- for each contravention, with an overall limit of Rs. 50,000/- according to the gravity of the offence.	Fine of minimum of Rs. 25,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs. 50,000/- for each contravention, with an overall limit of Rs. 1,00,000/- according to the gravity of the offence.	The Licensing Authority may place dealer's license under suspension immediately for a maximum period of 6 months and within which after giving an opportunity of being heard and for the reasons recorded to be in writing reduce the volume of business (upto 50% quantity) or may impose a penalty of Rs. 50,000/- for

				each of the contravention committed by the dealer which may be extended to maximum of Rs. 1,00,000/- for each contravention, with an overall limit of Rs. 2,00,000/- according to the gravity of the offence or terminate the license if not satisfied with the response.
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6. Column-5 applies to penalty on third time or subsequent offence/contravention of same provision.
7. From the order dated 12.11.2025, it does not appear to be a second time offence or a third time or subsequent offence. As such, the same can be taken as a first time offence.
8. The penalty for the first time offence is provided in column-3 and is as follows:-

“(3) Fine of minimum of Rs.10,000/- for each of the contravention committed by the dealer which may be extended to maximum of Rs.20,000/- for each contravention, with an overall limit of Rs.50,000/- according to the gravity of the offence.
9. Considering the case of the petitioner, there is **no provision to suspend** the licence of the petitioner herein by virtue of the order dated 12.11.2025. As such, the petitioner has made out a prima facie case.
10. The State/respondent is directed to submit a comprehensive report on the said issue.

11. Pending hearing of the writ application, the suspension notice dated 12.11.2025 and 14.11.2025, be stayed till 28th January, 2025 or until further orders whichever is earlier.

12. Matter to appear in the monthly list of January, 2025.

(Shampa Dutt (Paul), J.)