

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

WPA/360/2025

M/S Satya Auto Service

Vs

The Hon'ble Lt. Governor and others

Ms. A.S.Zinu

... for the petitioner

Ms. Babita Das

... for the respondents

August 06, 2025
[AKB]
Item No.3

Writ petition has been filed at the behest of a company challenging an order dated July 23, 2025.

By the impugned order the writ petitioner has been directed to obtain a certificate of registration under the Shops and Establishment Rules, 2005 together with other mandatory provisions in accordance with Section 6 of PAT Regulation, 1956. The order impugned states that in case of failure in obtaining the necessary certificate within a time frame, the Shops and Establishment belonging to the writ petitioner would be liable to be sealed.

It is submitted on behalf of the learned advocate for the petitioner that the petitioner is running automobile repairing shop at Nicobar Islands for a long period of time. He has also been awarded Government tenders by the authorities. According to learned advocate for the petitioner the aforesaid tenders are still active and the petitioner is working with the work assigned under such tender. It is also submits on behalf of the petitioner that time period fixed by the impugned order for obtaining a license contemplated therein is too short.

However, she claims that the petitioner has never violated the provisions of the PAT Regulations during the continuance of automobile repairing shop.

On the other hand learned advocate appearing for the respondent authorities submits that the writ petitioner has been directed to obtain certificate in terms of PAT Regulations. Learned advocate for the respondents also submits that the instant writ application filed by the petitioner is misdirected one. Out of 56 shops running in the Island, 28 have been issued with similar orders. Such persons approached the authorities and their time for obtaining the certificate has been extended by the authorities. The petitioner ought to have approached the authorities for such extension.

Having heard to the rival contention and on perusal of the materials on record as well as relevant provisions of the PAT Regulation, it transpires that it is not in dispute the writ petitioner has been running the automobile repairing shop in Nicobar Islands since long. It is also not in dispute that the petitioner has been associated with government works under the island and has been awarded with government tenders in which he has been carrying on his works. By the impugned order dated July 23, 2025 the writ petitioner was directed to obtain certificate under the Shops and Establishment Rules as well as PAT Regulations within fifteen days from the issuance of such latter.

Considering the submission made on behalf of the respondent that other persons issued with similar direction

approached the authorities and their time to obtain such certificate was extended by the authorities, there is no reason why the same relief cannot be extended to the writ petitioner. The petitioner is at liberty to approach the authorities seeking extension of time to obtain the required certificates.

In the meantime the respondents shall file their affidavit-in-opposition within two weeks from date. Reply, if any, be filed within one week thereafter.

There shall be an stay on the operation of the impugned order until August 31, 2025.

List the matter before the next available Circuit Bench.

(Md. Shabbar Rashidi, J.)