

# Calcutta High Court

HON'BLE JUDGE(S): RAJASEKHAR MANTHA, J

NIRMALAND NAVIN PRIVATE LIMITED V. STATE OF WEST BENGAL

WPO - 1133 of 2022, decided on 22/03/2022

**West Bengal Cold Storage (Licensing and Regulation) Act (6 of 1966), S.3- Constitution of India , Art.226- Cold storage license - Renewal of - Violation of statutory provisions - Petitioners running cold storage without license since year 2013 - Despite repeated requests, petitioners has not renewed their license - For this, prosecution launched against petitioners - After petitioners got bail, as condition of such bail, they applied for renewal of license - Cold Storage was running uninterruptedly all this while - Conduct of petitioners is in gross violation of law and ex facie criminal in nature - Director, Agricultural Marketing directed to seek cancellation of bail of petitioners - Immediate and urgent steps to be taken to stop operation of cold storage - For actions of petitioners, costs of Rs.5,00,000/- imposed.**

(Para 2, 3, 4, 5, 6, 8, 9)

## Name of Advocates

---

Aniruddha Chatterjee, Adv. Saptarshi Kumar Mal for Petitioner; Deepnath Roy Chowdhury, Adv.K. Chakraborti, Adv. K. S. Haque, T. M. Siddiqui, Adv. P. Sinha, Adv. D. Ghosh for Respondent.

---

1. **ORDER:-** The Court:- The writ petitioners challenge an order dated 28 January, 2022 passed by the Director of Agricultural Marketing, West Bengal acting under the provisions of the West Bengal Cold Storage(Licensing and Regulation) Act, 1966.

2. Admittedly, the petitioners were running the cold storage without a license since the year 2008. The petitioner nos. 2 and 3 are stated to have purchased the cold storage and are in control and management since the year 2013. It appears from the records that repeated requests to the petitioners to renew their cold storage license from the authorities have fallen into deaf ears. Finally, prosecution was launched on the complaint of the Director of Agricultural Marketing, and an FIR was registered being no. 381/2018 dated 20 July, 2018 by the Arambag Police Station.

3. The petitioner Nos. 2 and 3 have been enlarged on bail and claim that as a condition of such bail, they have applied for renewal of their license. The

Cold Storage has however been running uninterrupted all the while.

4. This Court is shocked and surprised to note as to how the petitioners are at all operating the cold storage since the year 2008, and especially after 2013 since they took over management, notwithstanding the prosecution after registration of the FIR. It is utterly dishonest on the part of the petitioners to contend that they, by reason of the license renewal application and by reason of the insurance and electricity payments, are entitled to operate the cold storage. The conduct of the petitioners apart from being in gross violation of the provisions of the aforementioned 1966 Act, are ex facie criminal in nature.

5. **The** respondent Director, Agricultural Marketing, is hereby directed to apply for cancellation of the bail of the writ petitioners.

6. **It** is expected that immediate and urgent steps would be taken to stop operation of the cold storage after making due arrangements for the relocation of the stored goods in a separate licensed cold storage. The Arambag Police Station shall render all necessary assistance to the respondent no.4 for executing this order.

7. **The** petitioners shall be liable for running the cold storage without a license, both to the authorities as well as any third parties from the year 2013.

8. This Court is also shocked at the audacity of the writ petitioners to seek mandamus from a writ Court, after admittedly running a cold storage without any license and despite a pending prosecution against them.

9. In that view of the matter, the writ petition shall stand dismissed with costs assessed at Rs.5,00,000/- payable by the writ petitioners to the respondent no.4.

10. **In** default of payment of the costs the respondent No.4 shall be entitled to apply before the authorities under the "Bengal Public Demand Recovery Act, 1913".

**Petition Dismissed**