

12th January,
2021.
(as)
24

W.P.A.253 of 2021

(Via Video Conference)

Sujit Dutta

-vs-

The State of West Bengal & Ors.

Mr. Soumya Banerjee.
...for the Petitioner.

Mr. Samrat Sen,
Mr. Amitava Mitra.
...for the State Respondents.

The petitioner has filed the writ petition claiming dues on a bill raised by the petitioner in July, 2010 (Annexure P-3 at page 12 of the writ petition) for rendering service regarding electrification of a school building with regard to a municipal election held in 2009.

The said claim, however, is palpably time-barred. There is nothing on record to show that the respondents acknowledged the claim of the petitioner in writing at any point of time before the expiry of the limitation period, which is a pre-requisite for attracting the benefit of Section 18 of the Limitation Act.

What cannot be done directly cannot be done indirectly as well. Since a civil claim with regard to the alleged money dues is time-barred, the writ court ought not to grant such relief to the petitioner.

In any event, the writ petition does not disclose any cogent explanation for the long delay of about 11 years after the submission of the bill-in-question in filing the petition.

Accordingly, the WPA 253 of 2021 is dismissed as not maintainable, since the claim made therein is palpably time-barred.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)