

10.02.2021

Item no. 17

Ct. 10 Dd

WPA 2316 of 2021

**Sk. Habibur Rahaman
Vs.
The State of West Bengal & Ors.**

Mr. Suman Das
Mr. Anindya Bose
... .. For the Petitioner

Mr. Rajarshi Basu
Mr. Anand Farmania
... .. For the State

Mr. Billwadal Bhattacharjee
Mr. Anish Kumar Mukherjee
.... .. For the respondent Bank

The grievance of the petitioner is directed against the non-payment of subsidy by the respondent no. 3. The petitioner refers to a representation at page 45 of the petition and contends that he is entitled to subsidy of Rs. 3,50,000/- from the respondent no. 3. The petitioner further submits that the respondent Bank be directed to pay the subsidy to the petitioner which he is entitled to as a matter of law. Mr. Bhattacharjee, learned advocate appears on behalf of the respondent Bank and submits that the writ petition is liable to be dismissed on the ground of delay. The alleged right of the petitioner to claim subsidy accrued as far back as in 2015 and the petitioner has filed this instant petition in 2021. He further relies on a commination dated 9th February, 2021 issued by the respondent Bank which

unequivocally and categorically states that the subsidy is a Government subsidy under the Scheme for Rs. 3,50,000/- had not yet been received by the respondent Bank. Hence, there is no question of making payment of the same to the petitioner.

In view of the submissions of Mr. Bhattcharjee, there is no scope of passing any order in favour of the petitioner. As such, the petitioner has no cause of action against the respondent Bank as on date.

WPA 2316 of 2021 is dismissed. There will, however, be no order as to costs.

(Ravi Krishan Kapur, J.)