

15.12.2021
SL No. 152
Court No. 24
(P.M)

WPA 14866 of 2021

**Raiganj Co-operative Agro-Product
Trading Services Society Limited & Anr.
Vs
The State of West Bengal & Ors.
(Via Video Conference)**

Mr. Amritam Mondal,
Ms. Madhushri Dutta
... for the petitioners

Ms. Swapna Das,
Mr. Siddharth Das
... for respondent No. 2

The petitioners claim to be a registered co-operative society. The grievance of the petitioners is that the West Bengal State Consumer Co-operative Federation Limited was not releasing the bills which were raised by the petitioners for supply of potatoes in the year 2010.

The petitioners rely upon documents to show that the performance of the petitioners was satisfactory.

The petitioners have relied upon documents of the year 2010, 2011 and 2012. The petitioners have thereafter relied upon a document bearing Memo No. 408 dated 8th December, 2020 by the Assistant Registrar of Co-operative Societies, Uttar Dinajpur

Range to the Chief Executive Officer wherein the prayer of the petitioners was forwarded for payment.

The learned advocate representing the West Bengal State Consumer Co-operative Federation Limited relies upon a communication of the District Magistrate, Uttar Dinajpur dated 21st January, 2011 wherein it has been mentioned that a District level committee was constituted and the first meeting was held on 16th January, 2011. In the meeting, Sub-committee under the Chairmanship of Sahakari Sabhadhipati, Uttar Dinajpur Zilla Parishad along with six other members was formed to verify the actual physical condition of the potatoes stored in the different cold storages to ascertain whether the potatoes were suitable for consumption. It was reported that the potatoes were not fit for human consumption.

The aforesaid submission on behalf of the respondents is clearly against the prayer of the petitioners for releasing payment. The respondents do not admit the claim of the petitioners.

It appears from the submissions of the parties that the claim of the petitioners relates to the year 2010. The same arises out of a contract which was entered into between the petitioners and the respondent authorities. Writ petition for execution of

the terms and conditions of a contract is not maintainable.

Moreover, there has been enormous delay in filing the writ petition. The alleged claim is of the year 2010 and the writ petition has been filed in September, 2021. The claim of the petitioners not being admitted, rather disputed by the respondents, no relief can be granted to the petitioners in the instant case.

In view of the above, the writ petition fails and is hereby dismissed.

The instruction given by the District Magistrate, Uttar Dinajpur dated 21st January, 2011 be retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)