

23.06.2021
Ct. No.8
S/L No.25
KS

(Via Video Conference)

W.P.A. 8200 of 2020

Arjun Chanda

Vs.

The State of West Bengal & Ors.

Mr. Subhabrata Das

Mr. Subhadeep Ghosh

.....For the Petitioner

Mr. Jishnu Chowdhury

Ms. Sreya Basu Mallick

.....For the Respondent Nos.2 & 3

The petitioner has a business of private security agency under the name and style of "M/s. Sati Maa Security Service" and has been running such business for a longer period having license from the concerned authorities. The petitioner claims that the respondent nos.2 and 3 have appointed the respondent nos.4 and 5 for carrying out construction work at K.M.R.C.L. site at Salt Lake for which the respondent nos.4 and 5 appointed the petitioner and gave him work order being No.FLCL/PEB/KMRC/Security/WO/01 dated 02.09.2013 for supplying security men at the K.M.R.C.L. site. So, it is admitted that the petitioner was employed by the respondent nos.4 and 5 who are admittedly private authorities. The petitioner has admitted that the respondent nos.4 and 5 have

paid to the petitioner a sum of Rs.3,69,583/- on the basis of the said work order but has registered his claim for release of a sum of Rs.6,74,446/- due from the concerned respondent nos.4 and 5 for the private security service rendered to the respondent nos.4 and 5. Despite the request made the payment was not released in terms of the bills submitted by the petitioner amounting to a sum of Rs.6,74,446/-, the petitioner has preferred to invoke the writ jurisdiction of this Hon'ble Court for issuance of a direction upon the respondents to look into the grievances of the petitioner and to release their payments.

My attention is invited to various documents annexed to the writ petition, as such, no dues certificate which reflects that a sum of Rs.3,69,583/- has been duly paid to the petitioner by the respondent nos.4 and 5.

Mr. Jishnu Chowdhury, learned counsel appearing for the respondent nos.2 and 3 has pointed out at the outset that the writ application is not at all maintainable because the cause of action as made out in the writ application is relating to a private lis in between the petitioner and the respondent nos.4 and 5 and to support his contention invites this Court's attention to a letter dated April 10, 2017 addressed to the

petitioner concerned on behalf of the respondent nos.4 and 5 wherefrom it is reflected that there has been no due and total dues pending against the service rendered to the said concern was a sum of Rs.3,69,583/- which has been duly acknowledged to have been received by the petitioner. Insofar as the petitioner's claim for a sum of Rs.6,74,446/- the petitioner has already invoked the remedy available to him under the provisions of Regulation VII of Insolvency and Bankruptcy Board of India (Fast Track Insolvency Resolution Process for Corporate Persons) Regulations, 2017 for its settlement through insolvency redressal process, which is reflected from Annexure – 'P/5'.

I am fully in agreement with learned counsel for the respondent nos.2 and 3 that the writ petition is not maintainable because there was no privity of contract for employment of the security services in favour of the respondent nos.2 and 3. I am also of the view that the respondent no. 1 state is not a necessary party to such proceeding.

At this stage, learned counsel for the petitioner submits to withdraw the writ application with liberty to him to file his claim before an appropriate forum.

For the reasons stated above, the writ application being, W.P.A. 8200 of 2020 is dismissed as withdrawn with liberty to prefer the suit for money claim before the Civil Court, if so advised against the private respondents.

(Shivakant Prasad, J.)