

17-06-2021

ct no. 13

Sl.23

sp

WPA 10135 of 2020
Basirhat Food Supply Mahila Co-operative Society
Limited
-Versus-
The state of West Bengal & Ors.
(Through Video Conference)

Mr. Satrajit Sinha Roy

....for the petitioner

The petitioner has prayed for a writ of mandamus against the respondent nos. 3 and 4 directing them to pay a sum of Rs. 2,48,41,121/-. It is submitted that the petitioner was a supplier of cooked diet to the Imambara Sadar Hospital at Hooghly. It is submitted that the rates for diet were enhanced from time to time and lastly in 2013.

The petitioner submits that he has effected supplies until the year 2018 whereafter the petitioner's contract was not extended any further. The petitioner has now approached this Court for the first time in the year 2021.

Apart from the question, as regards the limitation of the petitioner's claim, which this Court does not want to enter into, the claim of the petitioner involves disputed questions of

fact. The monetary claim of the petitioner is neither quantified nor admitted.

The claims of the petitioner cannot therefore be decided under Article 226 of the Constitution of India.

For the reasons stated hereinabove, the instant writ petition fails and is hereby dismissed.

It is made clear that this Court has not entered into the merits of the petitioner's claim and if the petitioner agitates any cause of action against the respondents in any proper forum, the same may be adjudicated in accordance with law.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)