

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**22.11.2021
Crt. No.1.
K.B./b.r.
Item No.3**

W.P.A. 945 of 2021

***Sibesh Chakraborty*
-Vs.-
*The Union of India & Ors.***

**Mr. Jagriti Mishra
Mr. Debayan Goswami
Mr. Subham Gupta
.....for the petitioner.**

**Mr. Sudipto Mazumdar
Mr. Arijit Ghosh
.... for the Union of India**

**Ms. Suman Sehanabis
Mr. Jiban Krishna Chakraborty
.... for the Central Bank.**

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The petitioner is a supplier of generator sets to the respondent/the Central Bank of India.

The petitioner claims not to have received the enhanced rate for the generator sets and ancillary items such as diesel etc., although agreed by and between the parties in writing by way of a formal agreement.

On behalf of the Bank, learned Counsel contends that the petitioner has failed to meet the basic criteria required to be performed prior to claiming the enhanced rate. Learned Counsel relies upon a communication of the Bank dated the 17th of December, 2018 to the petitioner.

The State is also represented by learned Counsel.

Having heard the parties and considering the materials placed, this Court is of view that at this stage the ends of justice will be subserved in the event the Respondent no. 6/the Branch Manager of the Bank, Tufanganj Branch, District- Cooch Behar is directed to consider a fresh comprehensive representation addressed to the Respondent no.6/the Branch Manager, Central Bank of India.

The Respondent no.6/the Branch Manager shall take a decision on the comprehensive representation within a week of acknowledgement of receipt of the same by his office.

Needless to add the decision shall be taken on merits.

Affidavits are neither necessary nor invited. Other allegations are deemed to be denied and disputed.

WPA 945 of 2021 stands thus **disposed of.**

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Subrata Talukdar, J.)