

OD-2

WPO 591 of 2017
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

INDIAN JUTE MILLS ASSOCIATION & ANR
VS
UNION OF INDIA & ORS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 24th March, 2021.

Appearance:

Mr. Abhrajit Mitra, Sr. Adv.

Mr. Sarbapriya Mukherjee, Adv.

Mr. Satadeep Bhattacharyya, Adv.

Mr. A. Agarwalla, Adv.

Mr. B. Sharma, Adv.

Mr. Nandlal Singhania, Adv.

Mr. Rajesh Kumar Shah, Adv.

...for Union of India.

The Court : The grievance of the petitioners is directed against the delay in making payment by the respondent authorities of moneys which were legitimately due and payable to the petitioners. It is submitted on behalf of the petitioners that such dues arise on account of interest in view of the delay in making payment by the respondent authorities. The petitioners allege that by virtue of the Report submitted by the Tariff Commission, the members of petitioner association are entitled to statutory interest on the amounts due and payable by the respondent authorities. The petitioners also rely on the Report

submitted by the Ministry of Commerce and Industries through the Officer of the Director General of Supply and Disposal (DGS&D).

By an interim order dated 1st November, 2017, a learned Single Judge of this Court had directed the respondent authorities to make payment on certain terms and conditions. It is an admitted position that pursuant to the aforesaid order the members of the petitioner association have submitted bills in excess of Rs.20 crores to the respondent authorities and payment have been made thereof by the respondent authorities.

The matter had been heard on different occasions.

The only issue which is now urged before this Court pertains to the balance bills submitted by the members of the petitioner association to the respondent authorities. It appears from a chart submitted by the respondent authorities that there are approximately 88 pending bills lying with them aggregating to Rs. 22,92,976/-. It is fairly submitted by the respondent authorities that the payment of such bills would be made within a period of two months. It is also submitted on behalf of the respondent authorities that they have already made payment of an amount of Rs. 19 crores to the members of the petitioner association.

It is submitted on behalf of the respondent authorities that all payments save and except the aforesaid balance of Rs.22,92,976/- have been made to the members of the petitioner association in respect of bills submitted upto 17th March, 2021.

In view of the submissions made on behalf of the parties as also the fact that the petitioners have been enjoying an interim order since 1st November, 2017, I dispose of this writ petition by directing the respondent authorities to make the balance payment of Rs.22,92,976/- for the outstanding 88 bills within a period of 2 months from date. The petitioners are granted liberty to take appropriate steps for their balance claim if any in accordance with law.

With the aforesaid directions, WPO 591 of 2017 stands disposed off. Interim order stands vacated.

(RAVI KRISHAN KAPUR, J.)