

12-05-2022

ct no. 13

Sl. 5

sp

WPA 5913 of 2011

Jay Bee Properties Pvt. Ltd. & Anr.

-Versus-

The West Bengal Industrial Development Corporation
& Ors.

Mr. Saptansu Basu, ld. Sr. Adv.

Mr. Ayan Banerjee

...for the petitioners

The petitioner is aggrieved that a concession towards the interest and reduction of the petitioner's liability towards a sum borrowed from the WBIDC, despite being allowed by the WBIDC, at the request of the petitioner, had not been communicated. As a consequence whereof, the payment could not be made by the petitioner. As a reason of which, the liability of the petitioner has increased manifold.

This Court is of the view that while the WBIDC is 'State' within the meaning of Article 12 of the Constitution of India, the transactions between the parties has no public element, and purely is in the realm of private contract. There are also disputed question of facts, that are involved.

In that view of the matter, the writ application cannot be entertained.

Liberty is however reserved to the petitioner, to pursue the civil remedies in accordance with law, if otherwise maintainable.

The writ petition is, therefore, disposed of without any order.

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.)