

30 31.10.2022

gd/ssd

WPA(P)/211/2022
BIPLAB KUMAR CHOWDHURY
VS
THE UNION OF INDIA AND ORS.

Mr. Kushal Chatterjee,
Mr. Debrup Choudhury
..for the Petitioner.

Mr. Vipul Kundalia
..for the Respondent Nos.3, 4, 5, 7,
10 to 14.

Ms. Rajashree Kundalia,
Mr. Abhradip Maity,
Ms. Shatabdi Sen
..for the Respondent/GST Authorities.

Ms. Swagata Datta,
Mr. Nirupam Dhali
..for the Private Respondents.

In this public interest petition the allegation of the petitioner is that the private respondents are engaged in the construction business and they are not paying the GST amount and thereby evading tax.

An objection has been raised by the respondents that the present PIL has not been filed with the bonafide intention.

Learned counsel for the private respondents has submitted that the FIR has been registered at the instance of the private respondents against the petitioner.

Learned counsel for the respondent nos.4 to 10

appearing for the concerned GST Authorities has also submitted that the private respondents have taken the GST registration on 15.07.2022 and that the action is being taken against the private respondents in respect of whatever defaults they have committed.

Learned counsel for the Income-Tax Department has also submitted that the action will be taken after completion of action by the GST Authorities.

In the present case it is undisputed that the FIR No.200 of 2020 dated 30th November, 2020 has been registered in the Police Station – Airport, Birati for offence under Sections 406/420/506 IPC at the instance of the private respondents against the petitioner. It is also not in dispute that at the instance of the petitioner an FIR has also been registered against the private respondents.

Hence, it is clear that the petitioner is dragging the personal dispute with the private respondents to this Court by way of the present public interest petition, which is impermissible. A perusal of the petition reveals that the petitioner has suppressed the fact of lodging FIRs against each other in the present public interest petition.

Learned counsel for the respondents has also produced a copy of the order dated 22nd September, 2022 passed in WPA 3116 of 2022 in the case of Biplab

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 wherein it was noted that the petitioner was in the habit of filing the writ petition one after other to extract money from the parties.

The relevant extract of the order dated 22/9/2022 passed in WPA 3116 of 2022 is as under:

“A list has been place before this Court containing details of 195 cases filed by the petitioner before this Court primarily challenging the action on the part of the respondents in making construction without sanctioned plan.

It has been submitted that the petitioner is in the habit of filing writ petitions, one after the other, to put pressure upon the private parties and to extract money from them. It has been filed with vested interest for his personal gain.

It has been submitted that there are several matters which are not being proceeded by the petitioner in the right earnest. As soon as the matter gets settled the same is not proceeded with any further.

It appears from the documents annexed to the writ petition that the petitioner’s ploy is to collect information under the Right to Information Act and thereafter use the said information to harass the private parties as well as the Municipality for unlawful gain. The conduct of the petitioner appears to be plainly harrassive and mala fide.

The averments and allegations made in the writ petition remains unsubstantiated. The writ petition is an abuse of the process of law and liable to be dismissed with costs.

The writ petition is accordingly dismissed with costs of Rs.25,000/- (twenty five thousand) only to be paid by the petitioner in the office of the West Bengal State Legal Services Authority within September 30, 2022.”

The facts in the present case show that the petitioner has not approached this Court with the clean

hand and the PIL remedy has been misused.

Hence, we dismiss this public interest petition with costs of Rs.50,000/-.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)

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