

March 08, 2022
ARDR
(311)

WPA 14009 of 2014
+
IA CAN 2 of 2021.

Indo Korean Lighting Ltd. & ors.
Vs.
The State of West Bengal & Ors.

Mr. L.K. Gupta, Sr. Adv.,
Mr. S. S. Banerjee,
Ms. P. Chakraborty,
...for the petitioners.
Mr. Raja Basu Chowdhury,
Ms. Rihyparna Chatterjee,
Mr. Amit Munshi,
...for the respondent no.4.
Mr. Anirban Ray, Ld. G.P.,
Mr. Supratim Dhar,
...for the State.

The order passed by the Secretary, Industrial Reconstruction Department on 25th March, 2011 is under challenge in the writ petition. The relevant portion of the order is set out hereinbelow:

“Land to Indo-Korean Lighting Ltd.

(a) Indo-Korean Lighting Ltd., the erstwhile lessee and Writ petitioner is allowed balance portion of land (5.74-0.93) acres i.e. 4.81 acres more or less on a current consideration price for a fresh lease for 99 years by WBIDC on application in format by Indo-Korean Lighting Ltd. The terms and conditions of lease will be as per practice followed by WBIDC in case of leasing land for industrial use to entrepreneurs.

- (b) Considering the reduction in land quantum by 0.93 acres, the net lease premium for remaining 4.81 acres to be transferred to Indo-Korean Lighting Ltd. is assessed at Rs.227.56 lakh as calculated in the table annexed.
- (c) All the plant, shed, structures and buildings will be retained by GoWB/WBIDC and be sold in an auction on 'as is where is basis' before handing over the demarcated lands to both the purchasers;
- (d) Since, lease to Indo Korean Lighting Ltd. is already revoked in June 2006 and the initial lease premium of Rs.30 lakh initially paid by Indo Korean Lighting is also forfeited by GoWB/IRD, no question of refund of any money or material arises."

It is submitted on behalf of the petitioners that the petitioners intend to negotiate with the authority regarding the terms on which a fresh lease can be granted in favour of the petitioners. In other words, the petitioners intend to approach the authority for reconsideration of the order impugned.

It is further submitted that the petitioners have no objection to allotment of 0.93 acres with eighty feet approximate frontage from the north-west corner of the premises at 53, Raja Ram Mohan Roy Road, Behala in favour of Modgul Park Pvt. Ltd., being the fourth respondent herein and the order requires no reconsideration on that score.

In view of above, writ petition is disposed of granting liberty to the petitioners to approach the authority for reconsideration of the relevant part of the order impugned as indicated hereinabove.

The petitioners are granted further liberty to produce all relevant documents before the authority at the time of hearing and make appropriate submissions.

It is made clear that this Court has not gone into the merits of the case and the petitioners shall be at liberty to place their case before the authority at the time of hearing.

The first respondent who shall deal with the matter is directed to complete the entire exercise within three months from the date of communication of this order.

With the above observations and directions, WPA 14009 of 2014 is disposed of. However, there shall be no order as to costs.

As a consequence, CAN 2 of 2021 is also disposed of.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)