

OD-2

ORDER SHEET

WPO/2350/2022

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

HINDUSTAN PETROLEUM CORPORATION LIMITED AND ANR.
VERSUS
THE WEST BENGAL STATE MICRO SMALL ENTERPRISES FACILITATION
COUNCIL AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : September 6, 2022.

Appearance:
Mr. Kishore Datta, Sr. Adv.
Mr. Deepan Sarkar, Adv.
Mr. Prasun Mukherjee, Adv.

Mr. Soumitra Mukherjee, Adv.

The Court: Learned counsel appearing for the petitioner seeks quashing of an order dated 30th June, 2022, passed by the West Bengal State Micro and Small Enterprises Facilitation Council on the ground that the contract between the petitioner and the private respondent no.3 (claimant before the Council) is in the nature of a works contract and not a contract for supply of materials simplicitor.

The Council is represented. Learned counsel representing the Facilitation Council relies on a judgment of the Division Bench in *NBCC (India) Limited Vs. The State of West Bengal & Ors.*

Upon hearing learned counsel, since it appears that the impugned communication does not go into the aspect of whether the Council has jurisdiction to proceed to arbitration under the provisions of

2006 Act, this Court is of the view that the Council should be directed to express its views in relation to the jurisdiction aspect.

The impugned order dated 30th June, 2022 is accordingly set aside. The Facilitation Council is directed to decide on the question of jurisdiction on the particular facts of the matter as explained in detail in representations made by the petitioner on 24th February, 2022 and 4th July, 2022 and decide on the same within a period of four weeks from the date of communication of this order. A copy of the reasoned order dealing with the jurisdiction aspect should be made available to the petitioner within a week from the date on which such reasoned order is passed. Needless to say, the parties shall be given a hearing before any order is passed by the Council.

WPO/2350/2022 is disposed of.

(MOUSHUMI BHATTACHARYA, J.)