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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4796 of 2023

M/s. Sunbeam Vanijya Private Limited
Vs.
The State of West Bengal & Ors.

Ms. Mayuri Ghosh
... For the petitioner.

Mr. Nilotpal Chatterjee
Ms. Amrita Panja Moulick
... For the respondent nos. 1 and 2

Ms. Panja Moulick, learned advocate representing the respondent nos. 1 and 2 submits that the order dated 11th January, 2023 has since been revised by passing a fresh order dated 10th April, 2023.

A copy of the aforesaid order dated 10th April, 2023 is placed before this Court.

Let the same be retained with the records.

It would appear from the aforesaid order dated 10th April, 2023, that the Joint Secretary, Government of West Bengal, being the respondent no.2, has been, inter alia, pleased to observe as follows:-

“AND WHEREAS the Hon’ble High Court in its Order dated 02.01.2019 in the matter of F.M.A. 2149 of 2018 with C.A.N. 2531 of 2018 in the matter of M/s. Sunbeam Vanijya Pvt. Ltd. –vs- Ramanand Chowdhury & Ors. clarifies that the Sunbeam Vanijya Pvt. Ltd’s liability was limited for the period

1st June, 2009 to July, 2010. As its limited liability, the petitioner company through advocate letter dated 19.09.2019 had already made payment Rs.72,954.84 out of 4,99,445.20 vide Pay Order No. 030631 dated 18.09.2019 to Ramanand Choudhury, the said workman;

AND WHEREAS the Governor is satisfied that the rest amount Rs.4,26,490.36 (Rupees Four Lakh Twenty Six Thousand Four Hundred Ninety and Thirty Six Paise) only is till due to the said workman;

NOW THEREFORE, in exercise of the power conferred by sub-section (1) of Section 33 (C) of the Industrial Dispute Act, 1947 (14 of 1947) as amended by Section 18 of the Industrial Disputes (West Bengal Second Amendment) Act, 1980 (West Bengal Act LVII of 1980), the Governor is pleased hereby to issue a certificate to the Ld. Additional Chief Judicial Magistrate, Barrackpore, North 24 parganas for recovery of the rest amount Rs.4,26,490.36/-[4,99,445.20 – 72,954.84] (Rupees Four Klakh Twenty Six Thousand Four Hundred Ninety and Thirty Six Paise) only along with simple interest @ 9 % p.a. till the actual payment is made from the said company namely M/s Eastm Manufacturing Company Ltd., Ali Hyder Road, P.O. Titagarh, Dist. North 24 parganas, Kolkata – 700119, as if, it were a fine imposed by the Magistrate”.

Ms. Ghosh, learned advocate representing the petitioner submits that in view of the judgment passed by the Hon’ble Division Bench, liability cannot be fastened to the petitioners. She says that the respondent no.2 having realised the same has issued a fresh order and the

grievances of the petitioner has been met.

Having heard the learned advocates appearing for the respective parties and having considered the order dated 10th April, 2023, I am of the view that nothing survives in the present writ petition as such the same be disposed of without any further order.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of necessary formalities.

(Raja Basu Chowdhury, J.)