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W.P.A. 6358 of 2020
CAN 1 of 2020 (old No. CAN 4913 of 2020)

M/s. Mahakoshal Refractories Pvt. Ltd.
Vs.
State of West Bengal & ors.

Mr. D.P. Datta
Mr. Kaustav Chandra Das
... for the petitioner

Mr. V.V.V. Sastry
... for the respondent no.4

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by inaction on the part of the respondent authorities specifically the office of the Sub-Divisional Officer, Bidhannagare, North 24-Parganas, being the learned Certificate Officer in proceeding of the execution of the award dated November 26, 2014 passed by the Madhya Pradesh Micro & Small Enterprises Facilitation Council.

The factual matrix in this matter is that no appeal/application had been filed against the said award. Subsequently, on August 12, 2015 the competent authority issued requisition to the District Magistrate/Collector, South 24-Parganas requesting for registering a case against the private respondent and to issue a revenue recovery certificate for realisation of the amount as per the award. Such case was registered in the year 2017 against the private respondent, being the

Certificate Case No.78/M.I.S.C./15-16 and also issued a certificate under Sections 4 and 6 of the Bengal Public Demands Recovery Act, 1913. This certificate was quashed by the Hon'ble High Court in W.P. No.24245(W) of 2017 with liberty given to the petitioner to avail remedies in accordance with law. The petitioner once again approached the District Magistrate, North 24-Parganas in the year 2018 for enforcement of the award. Subsequently, on February 12, 2019 a letter being Memo No.SDO/BDN/235//GENL was issued by the office of the Sub-Divisional Officer, Bidhannagar, North 24-Parganas, that is, the respondent no.3 to the private respondent herein for recovery of the certificate amount. Subsequent to this, on 20th February, 2019 the private respondent informed the office of the Sub-Divisional Officer, Bidhannagar, North 24-Parganas that a writ appeal being WA No.234 of 2019 was pending in relation to the said matter before the Hon'ble High Court at Madhya Pradesh, Jabalpur.

To cut the matter short, it is to be noted that the private respondent did not succeed in the High Court and subsequently, moved the Supreme Court wherein he also did not achieve any success. Presently, the private respondent has filed a review petition against the dismissal of his writ petition that is pending consideration.

It appears from the records that there is no impediment in the nature of stay or any other proceeding that would impede the process of execution by the respondent no.3.

In light of the same, the respondent no.3 is directed to act in accordance with law and execute the award, if the same falls within his jurisdiction to do so. The respondent no.3 is directed to act expeditiously in the matter, preferably within a period of six months from date.

With the above observations, this writ petition is disposed of.

As a consequence thereof, the connected application, if any, stands disposed of.

All parties are to act on website copy of this order.

(Shekhar B. Saraf, J.)