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24.08.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 14712 of 2023
with
IA No. C.A.N. 1 of 2023

M/s. Amity Exports & Anr.
Vs.
The Union of India & Ors.

Mr. S.P. Lahiri,
Mr. Nikhil Kumar Gupta
... for the petitioners

Mr. Sukumar Bhattacharya,
Mr. Rajesh Kumar Shah
...for respondent nos. 1 to 5

Learned counsel appearing for the respondent-authorities submits that the interim order granted earlier be vacated, in the alternative, the writ petition be disposed of, if necessary by setting aside the impugned notice and granting liberty the respondent-authorities to proceed afresh against the petitioners in accordance with law.

Learned counsel appearing for the petitioners submits that the period of twelve months have to be left as per the clauses of the contract between the parties.

Be that as it may, since a fair stand has been taken by the respondent-authorities, in the light of the observations made in the order dated June 28, 2023 regarding a strong case having been made out

by the petitioners for hearing of the writ petition on merits, it is construed that the reasoning given in the order dated June 28, 2023 is adopted for the purpose of final disposal of the writ petition itself.

Taking into consideration the submissions of both sides, W.P.A. No. 14712 of 2023 is allowed, thereby setting aside the impugned notice dated May 31, 2023 and permitting the writ petitioners to continue with the supply of the hospital diet-in-question for the time being, subject, however, to further action being taken by the respondent-authorities in accordance with law.

It is made clear that the respondent-authorities shall be at liberty to take fresh action for termination of the petitioners' contract, strictly in accordance with law and the terms of the contract between the parties. Nothing in this order shall preclude the authorities from doing so.

IA No. C.A.N. 1 of 2023 is also disposed of accordingly.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)