

OD 5

WPO/1304/2023

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

M/S FINE FLOUR MILLS PVT. LTD. AND ANR.
VS
WEST BENGAL INDUSTRIAL DEVELOPMENT CORPORATION LTD. AND ORS.

BEFORE:

The Hon'ble JUSTICE SABYASACHI BHATTACHARYYA

Date: 14th July, 2023.

Appearance:

Mr. Siddhartha Lahiri, Adv.

Mr. Subhasish Saha, Adv.

Mr. Debraj Dutta, Adv.

Mr. Mainak Chatterjee, Adv.

...for the petitioner

Mr. T.M. Siddiqui, Adv.

Mr. S. Adak, Adv.

...for the respondent nos.1 and 2

Mr. Somnath Ganguli, A.G.P.

Ms. P. Singh, Adv.

Mr. Paritosh Sinha, Adv.

...for the respondent no.5

The Court: Affidavit of service filed in Court today be kept on record.

Heard learned counsel for the parties. It transpires that the petitioner is entitled to a subsidy under a Scheme floated by the State Government and was paid the first six instalments in that regard.

However, the 7th instalment was not paid, necessitating the filing of the present writ petition. Learned counsel appearing for the added respondent, that

is, the State of West Bengal, through Secretary of Finance Department, submits that he requires further instruction regarding availability of funds in that regard. However, it is evident from the records that there is no dispute as to the petitioner's entitlement to the subsidy in question under the relevant Scheme, in terms of which six instalments have already been disbursed in favour of the petitioner. The respondent authorities cannot now resile from such position and disown the payment of the rest of the instalments in favour of the petitioner.

Accordingly, WPO/1304/2023 is allowed, thereby directing the respondent no.5 to disburse the required funds to the respondent no.2 for further disbursement to the petitioner as the 7th instalment under the Scheme in question. Such disbursement shall be made by the respondent no.5 as expeditiously as possible, positively within August 31, 2023. Immediately thereafter, but not later than within the fortnight from the payment being received by the respondent, the respondent no.2 shall disburse such amount to the petitioner.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)