

OD-4

ORDER SHEET

WPO/2924/2022

IN THE HIGH COURT AT CALCUTTA  
Constitutional Writ Jurisdiction  
ORIGINAL SIDE

M/S. STAR CEMENT LTD. AND ANR.  
VERSUS  
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 24<sup>th</sup> February, 2023

*Appearance:*

*Mr. Soumya Majumder, Adv.*

*Ms. Mayuri Ghosh, Adv.*

*Mr. Debasish Ghosh, Adv.*

*Mr. Sayan Ganguly, Adv.*

The Court: The petitioners claim a mandamus directing the respondents to issue RC-I and RC-II in terms of the West Bengal State Support for Industries Scheme, 2013 for industrial projects of large scale units which are set up in the State. The petitioners claim entitlement to the incentive as a new and eligible unit under Clauses 3.12 and 4.4 of the said Scheme.

The respondent no.2 being the Director of Industries, Government of West Bengal, says through learned counsel that the petitioner no.1 underwent change of name from the cement manufacturing company to Star Cement which was given effect to by the West Bengal Pollution Control Board on 17.09.2018 which was after the Scheme ended on 31.08.2018. Counsel submits that since the petitioners' documentation

was in the erstwhile name of the petitioner no.1, the petitioners cannot get the benefit of the Scheme.

Learned counsel for the petitioners places reliance on the exception taken to the report of the respondent no.2 and submits that the names of the petitioners were merely changed to the later name which would not have any bearing on the petitioners' eligibility for the incentives under the Scheme.

Since this point has not been addressed in the report of the respondent no.2, this Court, after hearing learned counsel for the parties, is of the view that the respondent no.2 should take an informed decision in the matter whether the petitioners' change of name would disentitle the petitioner from the incentives under the relevant clauses to the Scheme.

WPO/2924/2022 is, accordingly, disposed of with a direction on the respondent no. 2 to consider the petitioners' eligibility under the facts discussed above or any other relevant facts which the parties may bring to the authority and pass a reasoned order within a period of three weeks from today.

The respondent no.2 shall hear the authorised representative of the petitioner no.1 before passing a reasoned order which should be made available to the petitioners within four weeks from today.

(MOUSHUMI BHATTACHARYA, J.)

kc.

