

**WPA 221 of 2024
M/s. Gee Dee Udyog
Vs.**

**The West Bengal State Handicrafts Co-operative
Society Limited & Ors.**

Mr. Jaydip Kar,
Mr. Dwaipayan Banerjee,
Mr. Piyush Chowdhury,
Mr. Abir Das,
Ms. Mahima Mukherjee,
Ms. Papiya Patra

...for the Petitioner

Mr. Srijan Nayak,
Ms. Rituparna Maitra

...for the State

Mr. Ankit Surekha,
Mr. Asis Dutta

...for Respondent Nos. 1 & 2

This writ petition has been filed seeking, inter alia, the following relief:

“A writ or writs of Mandamus be issued quashing a portion of the communication dated 15.09.2023 issued by the respondent no. 1 to the extent it states that payment of Rs. 79,23,932/- to the petitioner is dependent on the reciprocal payment from the respective department by holding that the same is Arbitrary and in violation of Article 14 of the Constitution and thus is wholly unsustainable.”

By an order dated June 21, 2024, passed in this writ petition, a direction was issued to respondent no. 4 to convene a meeting between the petitioner, respondent no. 3, and respondent no. 1, regarding the claim of the writ petitioner. Respondent no.4 was further directed to file his

report before this Court.

In compliance with the said order, a report has been filed on behalf of respondent no. 4. The report indicates that neither the petitioner's claim has been allowed nor rejected. The relevant part of the report is quoted below:

“Taking over from this point, the Director ICDS put forth the views of the State WCD & SW Department that it will not be possible to clear the above noted pending amount at the Department level as neither the permission or any approval for the procurement of 6023 weighing scale the rate of Rs. 6105/- per piece was obtained prior to the purchase. It was also pointed out by the Director, ICDS that the WCD & SW Department does not have any earmarked fund to make such payments & that with the supply of new Growth Monitoring Devices (GMDs), as provided to the Districts from the State, making such a payment would amount to duplication of work.

The District Programme Officer, ICDS, Purba Medinipur also clarified that the State specified Mother & Child Weighing Scale cost Rs. 1,695 per machine whereas the machines supplied by Gee Dee Udyog cost Rs. 6,105 per machine. The District Programme Officer, ICDS also mentioned the need to compare the quality of the Weighing Machines supplied by Gee Dee Udyog, with the ones supplied by the WCD & SW Department, to assess the reason for the price difference between the two. For such an assessment, experts from the State Level may also be co-opted.

The District Authorities once again put forth an earnest request to the State WCD & SW Department for provision of funds for the same, if the pending payment amount is established to be reasonable after assessment as mentioned above is held.”

Mr. Jaydip Kar, learned senior advocate appearing for the petitioner, seeks leave of this Court to file an affidavit objecting to this report.

I am of the view that the propriety of the report is not the subject matter of the present writ petition. If the petitioner intends to challenge the report, it should be done by way of a fresh writ petition. The scope of the current writ petition should not be unnecessarily expanded to address issues that were not pleaded in this writ petition against the report.

In light of this, I dispose of the writ petition while granting the petitioner liberty to challenge the report dated August 2, 2024, submitted by the District Magistrate, Purba Medinipur (respondent no. 4) in accordance with law.

It is clarified that this Court has not addressed the merits of the writ petition.

WPA 221 of 2024 is, accordingly, disposed of.

Urgent certified *website* copies of this order, if

applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)