

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 7301 of 2024

M/s. Bell Exim Pvt. Ltd. & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Amitava Nayak,
Mr. Subrata Ghosh
... for the petitioners

Mr. Sk. Md. Galib,
Mr. Amritlal Chatterjee
...for the State

Mr. Soumyo Majumder,
Mr. Kallol Kumar Maity,
Mr. Prabir Rej,
Ms. Nupur Chaudhuri
...for the respondent no. 2

1. Learned counsel for the petitioners submits that the petitioners entered into an agreement with the respondent no. 2, the latter having been entrusted by the respondent no. 1-State to run a cold storage for the benefit of fishermen. The petitioners approached the respondent no. 2 and entered into a contract with the latter for storage of fish and processing of the same, for the purpose of export, which is the business of the petitioners.
2. Subsequently, however, due to a lull in business due to certain developments in the

international arena, the minimum amount to be stored was reduced upon agreement between the petitioners and the private respondent no. 2.

3. Thereafter, due to the business no longer being viable, the petitioners approached the respondent no. 2 and it is alleged that the respondent no. 2 agreed to the business being terminated. However, when the petitioners sought for a return of the perishable goods stored by the petitioners in the store-house of the respondent no. 2, the same was refused, giving rise to the present writ petition.
4. Learned counsel appearing for the respondent no. 2 controverts the allegations made by the petitioners and submits that the respondent no. 2 has huge outstanding claims against the petitioners by way of outstanding rent and other charges.
5. Be that as it may, it is evident that the dispute has no public law element involved, since the matter pertains to the private agreement between the petitioners and the respondent no. 2, which is also a private entity.
6. The role of the respondent no. 1, that is, the State of West Bengal through its Secretary, might have been relevant at some stage when

the responsibility to run a cold storage was conferred on respondent no. 2.

7. However, the present challenge does not have anything to do with such conferment.
8. Thus, I find that not only does the matter relate to a private dispute between the petitioners and the respondent no. 2, the same falls within the domain of private contract.
9. Accordingly, there is no scope of entertaining the writ petition.
10. Learned counsel for the petitioners, at this juncture, submits that the petitioners are agreeable to put in bank guarantee of the worth of the alleged claims of the private respondent no. 2.
11. However, since the writ petition is not being entertained, this court is not the appropriate forum to pass a direction on such score.
12. Nothing in this order, in any event, shall prevent the petitioners from approaching the respondent no. 2 with such offer.
13. If so approached, the respondent no. 2 shall consider the same independently without being influenced in any manner by any of the observations made herein.
14. Accordingly, W.P.A. No. 7301 of 2024 is rejected as not maintainable with liberty to the

petitioners to approach the competent civil court with the self-same reliefs as claimed in the present writ petition.

15. If so approached, the civil court shall decide the suit as well as any interlocutory application, if filed by the petitioners, independently, without being influenced in any manner by any of the observations made herein.

16. There will be no order as to costs.

17. 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.)