

23.09.2024
Court No. 02
Item No. 16
(Suvendu)

WPA 18288 of 2024

S.G. Projects Private Limited Company
-Versus-

The State of West Bengal & Ors.

Mr. Asoke Kumar Banerjee, Sr. Adv.,
Mr. Arijit De
.....for the petitioner

Mr. Chandi Charan De, Ld. AGP
Ms. Reshma Chatterjee
.....for the State

Mr. Sanjay Saha
....for the respondent nos. 2 & 3

Mr. Ashoke Kumar Banerjee, learned Senior Counsel appears for the petitioner. Mr. Chandi Charan De, learned Additional Government Pleader appears for the respondent nos. 1, 4 to 6. Mr. Sanjay Saha, learned counsel appears for the respondent nos. 2 and 3.

Learned counsel appearing for the parties admit that there was a show-cause notice dated December 14, 2020, being annexure P-4 at page 74 to the writ petition. The writ petitioner submitted its representations/ replies thereto from time to time as would be evident from the hearing notice dated February 23, 2023, which is annexure P -9 at page 7 to the supplementary affidavit filed by the petitioner. The respondent

no. 5 has conducted the hearing on February 28, 2023. Thereafter neither of the parties know what is the fate of that hearing.

In view of the above, to subserve justice the respondent no. 5 upon issuing a prior hearing notice of at least seven days to the petitioner shall fix date/dates of hearing and after granting opportunity of hearing to the petitioner shall decide the issue by passing a reasoned order in accordance with law. The petitioner shall be at liberty to be represented in the said hearing by himself and also through its duly authorized representative. It is needless to mention that while conducting the hearing, the respondent no. 5 shall consider the representations/ replies made by the petitioner from time to time, as it would be evident from the said hearing notice dated February, 23, 2023 being annexure P -9 at page 7 to the supplementary affidavit. The entire exercise shall be carried out and completed by the respondent no. 5 within a period of six weeks from the date of communication of this order. The reasoned order then shall be communicated to the petitioner within a period of further two weeks from the date of the said reasoned order to be passed.

It is made clear that this Court has not gone into the merit of the rival contentions of the parties and parties shall be at liberty to place their case by referring to the necessary records and documents they feel necessary but the same shall not be beyond the scope of the show-cause notice dated December 14, 2023 and representations/ replies submitted by the petitioners from time to time as would be evident from the said hearing notice dated February 23, 2023. It is also made clear that this order shall not create any right or equity in favour of either of the parties if they don't succeed to their respective contentions strictly in accordance with law.

Since no affidavit is called for, the allegations contained in the writ petition are deemed not to have been admitted.

With the above observations and directions, writ petition being **WPA 18288 of 2024** stands disposed of, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Aniruddha Roy, J.)

