

Ct. 05
Item No.20
08.12.2022
(Suvendu)

WPA 23448 of 2022

**M/s Nu Vista Limited
(Formerly Emami Cement Limited)
Vs.
The State of West Bengal & Ors.**

Mr. Ratnanko Banerji
Mr. Mainak Bose
Mr. Rajarshi Datta
Mr. Rahul Dhanuka

.....for the petitioner

Mr. Nilotpall Chatterjee
Mr. Varun Kothari

.....for the State

Md. T. M. Siddiqui

.....for the WBIDC

The cause of action in this writ petition is a Notice of 19.10.2022 from the Director of Industries to the petitioner to attend the hearing on 02.11.2022. The Notice does not disclose any further facts except the date and time of the proposed hearing.

The petitioner's apprehension in relation to the Notice is justified. The order passed by this Court on 8th August, 2022 in the earlier writ petition being WPA 5546 of 2022 records that the petitioner had duly complied with all the stages

contemplated under an incentive Scheme floated by the State Government for certain types of industries and further that the petitioner had complied with all the requirements including those under Clause 5.3 of the Scheme.

Clause 5.3 contains sequential steps of which the petitioner has complied with till the very last step, i.e. a joint inspection of the petitioner's factory to be undertaken by the Directorate of Industries and WBIDC. Clause 5.3 specifies that upon such joint inspection being completed and the views of the WBIDC being taken, the DI shall issue final Registration Certificate, i.e. RC -II effective from the first date of commencement of commercial production.

Apart from the impugned Notice of hearing, the petitioner is aggrieved by the State-respondents failing to issue the final Registration Certificate/ RC -II to the petitioner despite completion of all the steps envisaged under the Scheme. The documents before the Court further show that the petitioner furnished hard copies of the required documents to the State Authority /DI in 2017 and repeated the exercise by way of soft copies in 2022.

Hence, the hearing Notice is all of a sudden and particularly when Clause 5.3 does not

contemplate any such hearing Notice, it is bound to cause consternation to the petitioner.

Learned counsel appearing for the State, however, assures the Court that the hearing Notice was only a step in the direction of facilitating the grant of the RC –II in favour of the petitioner and was not meant to be a punitive measure against the petitioner. Counsel submits that Clause 5.3 requires the subjective satisfaction of the DI.

This Court is of the view that the petitioner has complied with all the requirements in Clause 5.3 and the stage of any further requirement of subjective satisfaction or otherwise has passed. It may also be relevant to mention that the invoices furnished by the petitioner were also verified by the Authorities as of 16.09.2022 and determination of the Fixed Capital Investment (FCI) has also been done.

WPA 23448 of 2022 is accordingly disposed of with a direction on the petitioner to meet the concerned State Authorities on 12th December, 2022 before closing of the business hours for grant of the Final Registration Certificate under the Scheme.

It is made clear that the concerned respondent shall not cause any further delay in the matter.

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

(Moushumi Bhattacharya, J.)