

Ct. 15
Item No.11
05.04.2024
(sayandeep)

WPA 26727 of 2016

**Learning Spiral Private Limited & anr.
Vs.
State of West Bengal & Ors.**

Mr. Nilay Sengupta
Mr. Sujit Banerjee
.....for the petitioners
Mr. Tapas Ballav Mandal
..... for the State
Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
Mr. Saikat Pal
.... for the DPSC, North 24 Parganas

The writ petition is heard in presence of the learned advocates representing the parties. Pursuant to the order dated 6th February, 2024, a report in the form of affidavit has been affirmed by the Chairman, District Primary School Council, North 24 Parganas wherein it has been submitted in paragraphs 11 and 15 that Rs. 26,00,000/- has already been paid to the petitioners.

According to the petitioners, sum of Rs. 24,99,618/- is additionally payable which the District Primary School Council has not paid. In support of such contention reliance has been placed on a document which is annexed at page-58 of the writ petition dated 16th July, 2012 issued by the Chairman, District Primary School Council wherein it has been communicated that admissible outstanding amount would be paid in due course subject to certain conditions.

It is well settled that in case of money claim the relief as sought for by the petitioners can only be

entertained if the amount is admitted by the respondents. In the present case, it appears on perusal of the report filed today on behalf of the District Primary School Council, North 24 Parganas that apart from the amount of Rs. 26,00,000/- which has already been paid to the petitioners the claim of the petitioners to the extent of Rs. 24,99,618/- is disputed.

Since the claim of the petitioners has been disputed by the District Primary School Council, North 24 Parganas, the relief prayed for in this writ petition cannot be entertained and accordingly the writ petition stands dismissed. However, this order shall not preclude the petitioners to take steps in accordance with law by filing a suit before the Civil Court claiming the amount which according to the petitioners is lying outstanding.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Saugata Bhattacharyya, J.)