

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

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05.09.2024

WPA 1851 OF 2024

kc Ct. no.2

Royal ITL (JV)

Vs.

The State of West Bengal & Ors.

Mr. Anirban Banerjee, Adv.
Mr. Soumyajit Laskar, Adv.
....For the petitioner

Mr. Preetom Das, Adv.
Mr. Sumit Kumar, Adv.
....for the State

Affidavit-of-service filed in Court today is taken on record.

The petitioner claims an adjudication for compensation allegedly payable to its three employees who died during the construction of an infrastructural project on the river Teesta on December 20, 2021 due to sudden land slide while they were working for the project.

The adjudicating authority is the respondent no.3 which is not available for the time being.

The petitioners, thus, claim transfer of its claim applications which have been filed on April 13, 2023 before the respondent no.3 and the claim applications are available at pages 9 to 11 to this writ petition.

Mr. Sumit Kumar, learned State counsel along Mr. Preetom Das, learned State counsel, appearing for the

respondents, submits a notification dated July 31, 2024 issued by the Department of Personnel and Administrative Reforms (General Cell), Government of West Bengal, the same is taken on record. The notification shows that the adjudicating authority has already been appointed and the adjudicating body shall commence its operation and function shortly.

After considering the submissions made on behalf of the parties and for the ends of justice, the respondent no.3, being the adjudicating authority, is directed to immediately register and take the claim applications filed by the petitioner on board, if not registered already, and the hearing of the claim applications shall positively commence within a period of **six weeks** from the date of commencement of the functioning and operation of the adjudicating body, i.e., the respondent no.3 and the claim applications shall be finally decided and disposed of within a further period of **six months** from the first date of hearing after granting opportunity of hearing to the parties to the said claim applications and by passing reasoned decision in accordance with law.

The reasoned decision then shall be communicated to the petitioner positively within a period of **two weeks** from the date of said final reasoned decision to be passed by the adjudicating body.

It is made clear that this Court has not gone into the merits of the claims of the petitioner as would appear

from the claim applications. The claimants shall be at liberty to urge whatever points they wish to urge by relying upon whatever documents and records they wish to rely upon before the adjudicating authority, i.e. the respondent no.3 in respect of their claim applications.

In the event the said claim applications succeed and necessary compensation is awarded in favour of the beneficiaries, then the concerned insurance company shall forthwith release and pay the amount in favour of the beneficiaries of the claims in accordance with law but positively within a period of **one month** from the date of communication of the said reasoned decision.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observation and direction, this writ petition, **WPA 1851 of 2024**, stands disposed of without any order as to costs.

(Aniruddha Roy, J.)