

OD-2

WPO/221/2024

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ELECTROSTEEL CASTINGS LTD AND
ANR.

-VERSUS-

THE STATE OF WEST BENGAL AND
ORS.

BEFORE:
The Hon'ble JUSTICE SHAMPA SARKAR
Date : 8th August, 2024.

Appearance:
Mr. Sakya Sen, Adv.
Mr. Suddhasatva Banerjee, Adv.
Mr. Arif Ali, Adv.
Mr. Prabhat Kr. Shrivastava, Adv.
.... for the petitioner.

Mr. Anirban Ray, Adv.(GP)
Mr. Debraj Sahoo, Adv.
... for the State.

Mr. T. M. Siddiqui, Adv.
Mr. Tanay Chakraborty, Adv.
Mr. Suddhadev Adak, Adv.
... for the WBIDC.

The Court: The petitioners seeks implementation of the order dated September 25, 2023, passed in W.P.O No. 2336 of 2022. Learned Government Pleader submits that the appeal is yet to be registered and the application for condonation of delay has not been taken up, but is likely to be taken up shortly. He also submits that the petitioner was not entitled to subsidy under the 2004 scheme as the petitioner had already availed of subsidy under the

1999 scheme and other previous schemes. The learned Advocates for the WBIDCL also adopt such submissions.

The prayer for amendment of the registration certificate of the petitioner was turned down by the authority on certain grounds. A writ petition being WPO/2336/2023 was filed and the petitioner's prayer for amendment was directed to be reconsidered. The order of rejection was set aside. His Lordship was of the view that the amendment was formal in nature and did not touch the question of eligibility of the petitioners under the 2004 scheme. It further appears from the order of His Lordship that the eligibility of the petitioners under the 2004 scheme was not allowed to be raised. The mode of activity was found to be use of coal gas in place of furnace oil. His Lordship was of the view that the date on which the commercial production commenced would not be relevant to either decide the issue of eligibility or the prayer for amendment of the registration certificate. The petitioner wanted to incorporate the mode of activity and the final product in the said certificate. Accordingly, the following order was passed:-

“39. *The respondent no.2 shall reconsider, in the light of the above observations, the application for amendment of Registration Certificate filed by the petitioners, which was refused by the impugned decision, by taking into consideration all documents produced by the petitioner on such score. In the event the respondent no.2 has any further queries from the petitioners, the petitioners shall be given a further opportunity to produce documents, if so required, upon which the respondent no.2 shall come to a reasoned conclusion as to the application for amendment of the petitioners. It is expected that such*

reconsideration and consequential steps shall be concluded by the respondent no.2 at the earliest, preferably within one month from the date of communication of this order to the respondent no.2.”

As the issue is before the Hon’ble Division Bench and the matter is yet to be taken up, the question of eligibility as raised by the respondent is before the Hon’ble Division Bench. This Court is of the view that instead of passing any mandatory directions as prayed for, the authority should reconsider the matter in the light of the decision of His Lordship passed in WPO/2336/2023 i.e. paragraph 39 of the said order which has been quoted above. The exercise will be completed within two months. All parties shall be heard.

Needless to mention, that the order of the Court is subject to any order that may be passed in the appeal.

The questions raised by WBIDCL is not gone into at this stage.

WPO/221/2024 is disposed of.

All parties are to act on a server copy of this order.

(SHAMPA SARKAR, J.)