

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

APO/96/2023
IA NO: GA/1/2023
CONTINENTAL CHEMICAL CORPORATION AND ANR.
VS
WEST BENGAL SMALL INDUSTRIES DEVELOPMENT
CORPORATION LTD AND ORS.

BEFORE :
THE HON'BLE THE CHIEF JUSTICE T.S. SIVAGNANAM
And
THE HON'BLE JUSTICE HIRANMAY BHATTACHARYYA
Date : 15th January, 2024

Appearance :
Mr. Ashok Pincha
(In Person)
...for appellant

Mr. Debabrata Banerjee, Adv.
Mr. K. Chatterjee, Adv.
...for respondent

The Court :- This intra Court appeal by the writ petitioner directed against the order dated 23.6.2023 in WPO 2021 of 2022.

By the said order the writ petition filed by the appellant was dismissed, wherein the writ petitioner sought for benefit of a Special Scheme announced by the respondent. The appellants' case is that they are entitled for the benefit of Special Scheme which was recorded in the Minutes of the Meeting held between WBSIDCL and the Entrepreneur Association of Behala Industrial Estate on 13.10.2020. The writ petition was dismissed by the learned Single Judge on the ground that the appellant was a defaulter and the appellant has not been able to bring on record any document to show that similarly placed defaulter allottee was extended the benefit of Special Scheme. Accordingly, no relief was granted in the writ petition.

In this appeal the appellant appearing in person has brought to the notice of the Court that in the case of M/s. Gravo Prints Plot No.D/3, Behala Industrial Estate the benefit of Special Scheme has been granted through M/s. Gravo Prints was a defaulter. However, this document was not placed before the learned Writ Court and the explanation given by the appellant is that the lease deed was executed by the respondent in favour of M/s. Gravo Prints on 21.8.2023 much after the writ petition which was dismissed on 23.6.2023.

In the light of the above, we dispose of the appeal by directing the appellant to submit a representation to the Managing Director of the respondent enclosing copies of the documents by which the benefit of Special Scheme was granted to M/s.Gravo Prints as well as a copy of this order and on receipt of the said representation, the managing director of the respondent shall afford an opportunity of personal hearing to the partner of the appellant and pass a reasoned order on merits and in accordance with law. This direction be complied with within three weeks from the date on which the partner of the appellant submits the representation .

The connected application also stands closed.

(T.S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)