

02-09-2025
Item No.34
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.7851 of 2025
New Alignment

-vs-
The State of West Bengal & Ors.

Mr. Banshari Bhusan Sarkar
Ms. Iti Dutta
Ms. Priti Jain
Mr. Pratit Sarkar ...for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Abhishek Guha
Mr. Shubhojit Das ...for KMDA

Mr. Debjit Mukherjee
Ms. Susmita Chatterjee ...for the State

1. The writ petition raises certain claim for payment. Kolkata Metropolitan Development Authority has admitted that certain amount is due and payable to the petitioner, pursuant to a contract which was executed by and between the petitioner and KMDA.
2. Learned counsel for KMDA places on record the Administrative Approval and Financial Sanction for implementation of the project dated September 12, 2018 wherefrom it appears that the funding of the project was to be received from the State Mission Directorate, AMRUT through Halisahar Municipality. The expenditure was to be incurred in such a manner that KMDA does not have to bear any financial liability whatsoever at any point of time.
3. Learned counsel for KMDA further submits that

in the absence of the municipality, the issue cannot be decided.

4. Learned counsel for the petitioner insists that there is no privity of contract between the petitioner and the municipality and, accordingly, the municipality is not a necessary party to the writ petition.
5. Upon perusal of the administrative and financial approval placed before this Court, it appears that there may be a dispute between the petitioner and KMDA in relation to a contract. The said dispute arising out of a contract cannot be decided in the writ jurisdiction.
6. The writ petition fails and is hereby dismissed.
7. It will be open for the petitioner to approach the competent forum for remedy, if so advised.
8. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

