

23.5. 2025
item No.18
n.b.
ct. no. 24

WPA 11813 of 2025

G. K. Agro Food Products & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Debabrata Saha Roy,
Mr. Pingal Bhattacharyya,
Mr. Subhankar Das,
Mr. Sankha Biswas,
..... for the petitioner.

Ms. Sonal Sinha,
Mr. Sayan Datta,
.... For the State.

Petitioner no.1 is a proprietorship firm have been running their flour mill in the name and style i.e “G.K. Agro Food Products” in the District of Nadia. The petitioner was empanelled by the Government of West Bengal for functioning his flour mill for conversion of wheat into F/Atta for distribution to the NFSA beneficiaries of Nadia district.

It is the case of the petitioner that after empanellement necessary agreement was executed with the concerned department and he is running the business, He has also placed the bank guarantee as per requirement of the department. Lastly, vide an order dated February 5, 2025, the Government of West Bengal has also empanelled the petitioner as Flour Mill to convert Alla from Wheat. It is the case of the petitioner that he has been falsely implicated in a criminal case

initiated by Enforcement Directorate wherein he was enlarged on bail by order of the Court on April 8, 2025.

It is the contention of the petitioner that he requested the concerned department on April 22, 2025 for execution of the agreement and required necessary permission to start the production. The said agreement was not executed and the permission was not granted. Hence this writ petition.

Ms. Sonal Sinha, learned counsel has placed a memo regarding intimation of the petitioner by the concerned department. The memo is required to be set out for the proper determination of this matter.

“Sub: Intimation to submit the required Bank Guarantee

Ref; Your petition dated 22.4.2025 regarding the execution of agreement.

In consecution of the petition it reveals that you are very much eager to execute the agreement in relting to Production of PDS ATTA. But as per notification of the empanelment of flour mill dated 5.2.2025

- 1. The provisional allocation of Wheat in favour of you mill is 1472.138 MT per month.*
- 2. Total cost of wheat rate Rs.29800/MT ie. 29800*1472.138= Rs.4,38,69,712.40*
- 3. 3. IN this regard B.G. required 43869712.40*60%=2,63,21,827.44*

It is disclosed in your letter that you have submitted all the required BGs but the fact is that ou of 4 BGs 3BGs are expiring on 09.3.2026 means prior to the date of expiry of the agreemetn i.e.on 31.3.2026, in question.

Details of submitted BGs:

B. G. No.	Date of issue	Amount	Expire Date	Claim Date
469GT01200060001	06.01.2020	1,07,00,000.00	09.03.2026	09.03.2027
46GT01221190002	29.04.2022	74,43,824.00	28.04.2026	28.04.2027
469GT01191280001	08.05.2019	75,00,000.00	09.03.2026	09.03.2027
014GT02200290003	29.01.2020	6,50,000.00	03.03.2026	09.03.2027
Total		2,62,93,824.00		

BG required: 2,63,21,827.44 but you have BG with desired validity period is Rs.7443824.00

In view of the above fact it is hereby inform that you have to submit the required additional BG of

Rs.18878004/- (One Crore Eighty Eight Lakh Seventy Eight Thousand and Four Rupees only) with the validity upto 31.03.2026 with a claim period of at least 3 (three) months beyond the validity period from scheduled commercial banks excluding foreign scheduled banks. On receiving your proper and required BG, this office will be able to initiate the processing of execution of agreement i.e. permission will be sought from Dept. as last date of executing agreement was already over on 18.02.2025.

It appears from the Memo that the last date of execution of agreement has already been over on February 18, 2025. This intimation was sent to the petitioner to submit required bank guarantee if the required bank guarantee be placed the Department, can proceed to initiate for execution of the agreement. It appears from the Annexure P-11(page 67 of the writ petition) that on May 2, 2025, the petitioner has submitted bank guarantee of the required amount of Rs. 1,88,78,010/-

Having considered the materials on record, it appears the petitioner is aggrieved for non-execution of the agreement by the concerned authority, he has been empanelled. It further appears that the petitioner has failed to appear before the authority on May 18, 2025, when the date was fixed for execution of the agreement. However, the authority concerned has made it clear that the agreement can be executed on furnishing a bank guarantee. Since, the bank guarantee has already been furnished, the concerned department should have act according to the Memo dated April 24, 2025.

I make it clear that as the State authority has decided that they shall proceed to execute the agreement on furnishing Bank Guarantee, and as it appears petitioner has already furnished required Bank guarantee, this Court feels necessary to relegate the matter to the Authority concerned for further decision.

The instant writ petition stands disposed of with a direction to the petitioner to approach the concerned Director, DDPS/respondent No.3 with the requisite Bank Guarantee and other documents within a period of two weeks from the date alongwith a specific representation.

The concerned respondent no.3 shall dispose of the representation in accordance with law within four weeks from the date of receipt of the representation after giving an reasonable opportunity of being heard.

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

(Subhendu Samanta, J.)