

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

**The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas**

**MAT/859/2025
With
IA NO: CAN/2/2025
THE STATE OF WEST BENGAL AND ORS
VS
SUBHRAJIT GANGULY AND ORS**

For the Appellants : *Mr. Shamim Ul Bari, Advocate
Mr. Sayan Datta, Advocate*

For the Respondents : *Mr. Baidurya Ghosal, Advocate
Mr. Saikat Mukherjee, Advocate
Ms. Anupama Biswas, Advocate*

Heard & Judgment on: 06.08.2025

Debangsu Basak, J.

1. Appeal is directed against an order dated February 26, 2024 passed in WPA 10353 of 2023.
2. Appeal is at the behest of the State of West Bengal and its functionaries.
3. Learned advocate appearing for the appellants submits that, subsequent to the passing of the impugned order, appellants came across materials which establish that, the certificates submitted by the private respondents were products of forgery. In support of

such contentions reliance is placed on a letter dated July 5, 2024 issued by the Assistant Director of Agriculture, Jalpaiguri Sadar Block.

4. Learned advocate appearing for the appellants submits that, the claim of the private respondents for subsidy is based upon certificate allegedly issued by the Assistant Director of Agriculture, Jalpaiguri Sadar Block. He submits that subsequently, such Assistant Director of Agriculture, Jalpaiguri Sadar Block by a letter dated July 5, 2024 states that, the certificates were not issued by such office and that, such certificates are absolutely fake and manufactured.
5. Learned advocate appearing for the appellants submits that, in such view, the claim of subsidy made by the private respondents cannot be sustained. He submits that, the Scheme under which, the private respondents was seeking subsidy, required the consumption certificate to be issued. As noted above, such certificate was found to be fake.
6. Learned advocate appearing for the private respondents submits that, the private respondents are entitled to the subsidy floated by the subsisting Scheme of the State Government dated October 28, 2016. He submits that cultivation certification documents were produced before the appropriate authority within time. The authorities not taking any steps for the payment of subsidy, the private respondents filed the writ petition in which the impugned order was passed.
7. Learned advocate appearing for the private respondents submits that, subsequent to the order dated February 26, 2024, the appellants not paying the subsidy, the private respondents filed a

contempt petition. In such contempt petition, for the first time, the issue was raised as to the genuinity of the cultivation certificate.

8. Learned advocate appearing for the private respondents draws the attention of the Court to the fact that, the cultivation certificates submitted by the private respondents with the authorities were issued by the same authority which are now purporting to claim that such cultivation certificates were fake and manufactured. He points out that claim of fakeness is made after three years from the date of consumption.
9. Learned advocate appearing for the private respondents submits that since the seeds were duly utilized, and since, the private respondents duly complied with every provisions of the Scheme, the subsidy under the Scheme should be directed to be disbursed.
10. Private respondents claim themselves to be members of Jalpaiguri Ankur FC and registered grower of West Bengal State Seed Corporation Limited. The private respondents were recommended by the District Manager, West Bengal State Seed Corporation Limited by a letter dated November 24, 2021 for supply of maize seeds. Private respondents cultivated high breed maize seeds and sent such seeds for quality tests for utilization of the Kharif 2022-2023 season. Private respondents claim that the seeds sent by them, met the laboratory standard.
11. Private respondents claim that they are entitled to subsidy under the scheme of the State Government dated October 28, 2016. In order to obtain such subsidy, private respondents initially submitted various documents such as land user and others. Private respondents complied with the same. Private respondents also submitted cultivation certificate.

12. Learned Single Judge by the impugned order, directed disbursement of subsidy after holding that the private respondents are entitled to receive subsidy under the Scheme of the State Government dated October 28, 2016.
13. A contempt petition was filed in which, appellants took the stand that the cultivation certificates relied upon by the private respondents were fake and manufactured.
14. It appears from the records that, subsequent to the contempt petition being filed, appellants approached the Assistant Director of Agriculture, Jalpaiguri Sadar Block inquiring as to whether, the cultivation certificate issued by such authority in favour of the private respondents were genuine or not. In response thereto by a letter dated July 5, 2024 Assistant Director of Agriculture, Jalpaiguri Sadar Block stated that no cultivation certificate was issued from the office of the Assistant Director of Agriculture, Jalpaiguri Sadar Block and that, the signatures of the authority shown on the certificates were fake and manufactured.
15. In view of such stand being taken by the Assistant Director of Agriculture, Jalpaiguri Sadar Block the issue of forgery and fraud stands generated. It is trite law that, fraud vitiates everything.
16. In the facts of the present case, the impugned order, requiring the appellants to pay the subsidy, is founded, inter alia, upon the cultivation certificates. Cultivation certificate is an essential component towards the finding that the private respondents are entitled to subsidy under the Scheme. Serious doubts as to the veracity of such cultivation certificates stands raised in view of the writing dated July 5, 2024.

17. By the letter dated July 5, 2024, Assistant Director of Agriculture, Jalpaiguri Sadar Block, indisputedly questioned the factum of validity of the cultivation certificates. There is an issue of fraud relating to the cultivation certificates. Such issue need not be decided by way of affidavit evidence. Ideally the rival parties should be allowed an opportunity to adduce evidence at the trial.
18. In such circumstances, it would be appropriate to set aside the impugned order.
19. This will, however, not prevent the private respondents from availing of the remedy before the appropriate forum, in accordance with law.
20. MAT/859/2025 along with the connected application are, accordingly, **disposed of** without any order as to costs.

(Debangsu Basak, J.)

21. I agree

(Prasenjit Biswas, J.)