

22-09-2025
Item No.27
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.21572 of 2025
Quality Caterer & Anr.
-vs-
Union of India &Ors.

Mr. Abhrotosh Majumdar, sr. adv.
Mr. Arkadipta Sengupta, adv.
Mr. Tirthankar Dey, adv.
Mr. Kousheyo Roy, adv.
Ms. Ria Naskar, adv. ...for the petitioners

Mr. Ashok Chakraborty, ASGI
Mr. Sanajit Kumar Ghosh, adv.
Mr. Debjyoti Deb, adv.
Mr. Pradeep Kumar Kundu ...for Union of India

1. Notice of termination of contract dated September 4, 2025 is impugned in the instant writ petition.
2. It appears that the petitioners have averred in the writ petition that the petitioners are partners of an unregistered partnership firm under the name and style of Quality Caterer. Only one partner of the partnership represents the firm. The other partners of the partnership firm are not made parties in the instant writ petition.
3. There is no resolution of the partners of the partnership firm permitting the petitioner no. 2 to move the instant writ petition on behalf of the partnership firm. There is also no disclosure of the other partners of the partnership firm in the instant writ petition.
4. Learned Additional Solicitor General of India has raised an issue of maintainability of the writ petition at the instance of an unregistered

partnership firm with only one of its partners.

5. According to law, an unregistered partnership firm does not have the legal capacity to move any proceeding before any Court of law.
6. The writ petition at the instance of an unregistered partnership firm cannot be entertained by the Court. It fails and is hereby dismissed.
7. It has, however, been admitted by the respondents that the petitioners performed certain works for which they may be entitled to receive certain payment. The railway authorities have made a proposal before the Court for paying the petitioners their dues offline.
8. It will be open for the petitioners to accept any payment made offline.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

