

N.22Sl
151/CL

WPA 21769 of 2025

Premium Transmission Ltd.

-vs-

18.09.2025
SL-18
Ct.19
(S.R.)

**West Bengal Industrial Infrastructure Development
Corporation & Ors.**

Mr. Amit Pan, Sr. Adv.
Mr. Kaustuv Chunder
Ms. Tanusri Santra
Ms. Tiyaasha Chatterjee ... for the petitioner.

Mr. Amit Nag
Mr. Swarajit Dey
Mr. Saptarshi Kar ... for the respondents.

1. The affidavit of service as filed today on behalf the writ petitioner is taken on record.
2. On behalf of the respondent authorities a copy of the letter dated 08.09.2011 is filed. The same is taken on record.
3. The subject matter of the instant writ petition is letter dated 16.01.2023 and the letter dated 22.02.2023, copies of which have been annexed at page nos.60 and 63 of the instant writ petition respectively.
4. At the time of hearing, Mr. Pan, learned senior advocate appearing on behalf of the writ petitioner at the very outset draws attention of this Court to various annexures of the instant writ petition. It is submitted that initially by issuing a letter dated 24.06.2011, the respondent authorities cancelled

the allotted land, particulars of which has been mentioned in paragraph 3 of the instant writ petition on account of alleged negligence on the part of the writ petitioner to implement the project for which the original lease was granted.

5. It is submitted by Mr. Pan that after much persuasion the said cancellation letter dated 24.06.2011 was withdrawn by the respondent authorities and soon thereafter on 13.08.2011, the writ petitioner submitted a plan for construction on the leasehold plot. It is submitted by Mr. Pan that it is the specific case of the writ petitioner that despite such submission of plan on 13.08.2011, such plan was not approved by the respondent authorities, as a result whereof, the writ petitioner could not initiate the work of construction over the lease out plot. It is further submitted that the writ petitioner was served with the notice to show cause on 13.12.2022, which was replied to by the writ petitioner on 09.01.2023. It is further submitted by Mr. Pan that despite submission of such reply, the respondent authorities most unilaterally and without giving any adherence to the difficulties, as faced by the writ petitioner cancelled the allotment, as made in favour of the writ petitioner and by the impugned memo dated 16.01.2023 and soon thereafter, a notice of resumption was served upon

the writ petitioner on 22.02.2023.

6. It is submitted by Mr. Pan that the notice to show cause *vis-a-vis* the notice of resumption dated 16.01.2023 and 22.02.2023 respectively may be set aside in view of the fact that the respondent authorities, being the authorities, within the meaning of Article 12 of the Constitution of India is/are duty bound to act in accordance with law, and further the said authorities ought to have given due consideration over the difficulty, as faced by the writ petitioner, as has been highlighted in the reply to the show-cause. It is, thus, submitted by Mr. Pan that it is a fit case for allowing the instant writ petition by granting the relief/reliefs, as prayed for.
7. *Per contra*, Mr. Dey, learned advocate appearing on behalf of the respondent authorities draws attention of this Court to a copy of the memo dated 08.09.2011, as submitted today and as has been taken on record. It is submitted that considering the predicament of the writ petitioner and also considering the prayers made by the writ petitioner for recalling the order of cancellation dated 24.06.2011, the respondent authorities under cover of their memo dated 08.09.2011 directed the writ petitioner/company to comply with the requisition of the said memo dated 08.09.2011. However, the same was not done on behalf of the writ

petitioner/company for the reasons best known to them and such factum was duly considered by the respondent authorities while issuing the notice of cancellation dated 16.01.2023. It is further submitted by Mr. Dey that on perusal of page nos.60 and 61 of the instant writ petition, being a copy of the notice of cancellation, it would reveal that the respondent authorities had assigned sufficient reasons for not accepting the reply to the show-cause, as given by the writ petitioner and in such notice dated 16.01.2023, it has been specifically mentioned that the writ petitioner failed and neglected to comply with the requisition of the notice of extension dated 08.09.2011 on account of non-payment of several charges along with non-submission of undertaking, as called for. It is, thus, submitted that by no stretch of imagination, it can be said that the respondent authorities acted in an arbitrary manner while issuing the notice of termination dated 16.01.2023 *vis-a-vis* the notice of resumption of land dated 22.02.2023.

8. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, this Court finds sufficient justification in the submission of Mr. Dey inasmuch as it appears to this Court that the respondent authorities neither acted in a

haste manner nor acted in an arbitrary way while issuing the notice of termination dated 16.01.2023 *vis-a-vis* the notice of resumption dated 22.02.2023.

9. Sufficient materials have been placed before this Court that prior to issuance of the aforesaid two notices, the writ petitioner was given adequate opportunity to give his reply to the show-cause as issued by the respondent authorities and while dealing with such reply to the show-cause the respondent authorities noticed complete non-compliance of the requisition of the earlier notice dated 08.09.2011 on the part of the writ petitioner whereby and whereunder on an earlier occasion extension of time was granted by recalling the order of cancellation dated 24.06.2011. It, thus, appears to this Court that by no stretch of imagination, it can be said that the respondent authorities have acted not inconsonance with the law. It rather appears to this Court that there is no perversity and/or arbitrariness in the action of the respondent authorities in issuing the aforesaid two memos under challenge.
10. In view of such, this Court finds no reason to interfere with the decision of the respondent authorities in not considering the representation dated 14.01.2025.
11. With the aforementioned observations, WPA 21769

of 2025 is dismissed.

12. There shall, however, be no order as to costs.
13. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)