

ML 115
15.01.2025
Ct. 14
BP/AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 22983 of 2023

**M/s. Khagaul Locl Labour's Cooperative
Society Limited & Anr.
versus
Union of India & Ors.**

**Mr. P. C. Das.
...For the Petitioners.**

**Mr. P. R. Chakraborty.
Mr. R. R. Mohanty.
... For the U.O.I.**

1. The petitioner provided certain service to the Railways. At the time of making payment a sum of Rs. 71 lakh was deducted for non-supply of material and improper conduct of work and a sum of Rs. 74 lakh was deducted on account of service tax.
2. The petitioner approached this Court praying for consideration of the amount which was deducted by filing writ petition being WP 24493 (W) of 2012 wherein order was passed on 6th June, 2013 directing the Railways to reconsider the position of deduction of the amount by way of service tax. The petitioner was given liberty to take appropriate steps in terms of the contract to realize the dues of the petitioners from the railways if they had a valid claim.
3. In compliance of the direction passed by the Court, the railways reconsidered the matter and the service tax amount which was deducted stood refunded to the petitioners.

4. Presently, the petitioners restrict claim only with regard to the non-supply of material and improper conduct of work.
5. The claim of the petitioner stood rejected by the authority way back in 2014. The subject work was performed by the petitioners in the year 2008. The Court in the earlier writ petition granted liberty to the petitioners to take steps to realize the dues in terms of the contract. The petitioners have not taken any steps pursuant thereto.
6. The payment sought for by the petitioners arises out of the contractual obligation between the parties. The writ Court is not the competent forum to adjudicate the issue. Moreover, there has been enormous delay on the part of the petitioners in approaching the Court for relief.
7. In view of the above, the Court is not inclined to exercise jurisdiction in the matter.
8. The writ petition fails and is hereby dismissed.
9. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)