

25-06-2025
Item No.9
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.24950 of 2024
M/s. Panchdeep Constructions Limited
-vs-
Hindustan Prefab Limited & Ors.

Mr. Aniruddha Chatterjee, sr. adv.
Mr. Swarajit Dey, adv.
Mr. Saptarshi Kar, adv. ...for the petitioner

Mr. Gaurav Gupta, adv.
Mr. Raghav Murshi, adv.
...for the respondent no.1

Mr. Pranay Agarwal, adv.
Mr. Dilwar Khan, adv. ...for IIT, Kharagpur

1. The petitioner seeks for supplying certain documents by the respondent company to IIT, Kharagpur for the purpose of reimbursement of GST claim.
2. Learned counsel for the respondent company submits that the writ petition is liable to be dismissed on the grounds of suppression of material facts and that the petitioner has already availed of the remedy by arbitration. The fact of payment of any service tax by the petitioner is denied by the respondent company.
3. Upon hearing the respective submissions advanced on behalf of the parties, it appears that there are disputed questions of fact which cannot be adjudicated in the instant writ petition. The issue arises out of a contract entered into in between the parties.

4. The Court sitting in jurisdiction under Article 226 is not inclined to enter into or decide any of the issues raised herein. The writ petition fails and is hereby dismissed.
5. However, dismissal of the writ petition will not stand in the way of the petitioner from availing of the remedy in accordance with law for redressal of grievances.
6. Let report filed by the respondent company be taken on record.
7. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
8. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

