

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

08 02.7.2025
Sc Ct. no.2

WPA 29208 OF 2024

Sri Asis Kumar Biswas

Vs.

The Durgapur Projects Limited & Ors.

Mr. Ayan Banerjee
Mr. Suman Banerjee.

....For the Petitioner

Mr. Sujit Sankar Kolay

....For the Respondents
DPL

Affidavit-of-service, filed in Court today, is taken on record.

Mr. Ayan Banerjee, learned counsel for the petitioner referring to **page 20** from the writ petition submits that, there has already been an order dated **June 21, 2023** passed by a coordinate Bench. Pursuant to the said order, the petitioner has received payment with interest **@6% per annum**. The petitioner submits that, since the payment was made and/or tendered beyond the time stipulated hence, the penalty provision of the said order is attracted and the respondents should have paid interest **@10% per annum**.

Be that as it may, the petitioner has already submitted a representation dated **March 22, 2024** though the language of the representation shows as if a contempt notice has been served but the same shall be

treated as a representation simplicitor by the respondents authority.

Mr. Sujit Sankar Koley, learned counsel appearing for the respondents submits that, the payment was made within time and the cheque was tendered within time.

Mr. Ayan Banerjee, learned counsel appearing for the petitioner has denied and disputed the same.

In view of the above, the respondent no. 2 shall consider the said representation dated **March 22, 2024** upon verification of records and shall inform the reasoned decision to the petitioner.

In the event it appears that the penalty provision is attracted, as mentioned in the order dated **June 21, 2023** then, the respondents shall comply with the said penalty provision forthwith in accordance with law.

The entire exercise shall be carried out and completed by the respondents positively within a period of **four weeks** from the date of communication of this order.

It is needless to mention that, if any clarification is sought for by the respondents authority, the petitioner shall provide the same before the respondents authority.

In the event the reasoned decision goes in favour of the petitioner, the appropriate authority of the respondents shall give an immediate effect thereto in accordance with law.

It is made clear that, this Court has not gone into the merits of the rival claims of the parties and the

authority shall take its decision strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition, **WPA 29208 of 2024** stands ***disposed of***, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)