

Item No.8
25.07.2025
Court. No. 19
GB

W.P.A. 28205 of 2023
With
CAN 1 of 2024

Nayachar Abubakar P.F.C.S. Limited & Anr.
Vs.
The State of West Bengal & Ors.

*Mr. Billwadal Bhattacharyya, Sr. Adv.,
Mr. Suryaneel Das,
Mr. Chiranjit Pal,
Mr. Tamoghna Pramanick*

...for the Petitioners.

*Mr. Soumitra Bandyopadhyay,
Mr. Srinath Singha Roy*

...for the State.

1. By filing the instant writ petition the writ petitioners have prayed for issuance of appropriate writ/writs against the respondent authorities for quashing of the Memo No.4351/auction/DL & LRO/Purba Medinipur dated 28.11.2023, a copy of which has been annexed at page nos.58 to 92, being Annexure – P/7 collectively with a further prayer to consider the representation of the writ petitioners as has been annexed at page no.117 being the Annexure – P/8 in accordance with law.
2. At the time of hearing Mr. Bandyopadhyay, learned senior government advocate appearing on behalf of the respondent State and its instrumentalities in his usual fairness submits before this Court that he has got no objection in the event a direction is passed upon the respondent no.4 authority to consider the representation dated 19.06.2023 as submitted by the

writ petitioners in accordance with law, vis a vis, setting aside the impugned memo dated 28.11.2023.

3. On careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties it appears to this Court that it is the grievance of the writ petitioners that by publication and/or floating of the impugned tender vide memo dated 28.11.2023, the writ petitioners' valuable right has/have been violated.
4. In view of such, this Court while disposing the instant writ petition quashes and/or set aside the impugned Memo No.4351/auction/DL & LRO/Purba Medinipur dated 28.11.2023 with immediate effect.
5. This Court further directs the respondent no.4 authority to consider the representation dated 19.06.2023 as submitted by the writ petitioners in accordance with law and after giving an opportunity of hearing to the authorized representative of the writ petitioners shall pass a reasoned order and shall forthwith communicate the same to the writ petitioners' cooperative society preferably by mail, if the email details of the writ petitioner no.1 society is provided to him at the time of hearing.
6. The entire exercise as indicated in the foregoing paragraph is to be completed within 30 working days from the date of communication of the server copy of this order.

7. The time limit as fixed by this Court is mandatory and peremptory.
8. Liberty is given to the learned advocate on record for the writ petitioners to communicate the server copy of this order along with a copy of the representation dated 19.06.2023 to the respondent no.4 authority.
9. The respondent no.4 authority is directed to act on the basis of the server copy of this order.
10. Before parting with it is, however made clear that in the event the respondent no.4 authority finds no merit in the representation of the writ petitioners while passing the reasoned order, he shall take appropriate consequential steps forthwith in accordance with law.
11. With the aforementioned observation WPA 28205 of 2023 is disposed of.
12. With the disposal of the instant writ petition, CAN 1 of 2024 is also disposed of.
13. The interim order as passed earlier is hereby vacated.
14. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)