

07.04.2025
Item no. 18.
Court No.1.
AB

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

**M.A.T. 19 of 2025
With
CAN 1 of 2025
CAN 2 of 2025**

**Chairman, West Bengal Electronics Development
Industry Corporation Limited & Others
Vs
Sabit Kumar Guha & Ors.**

Mr. Joyjit Choudhury, ld. Addl. AG
Mr. Nabankur Paulfor the Appellants.

Mr. Anirban Banerjee
.....for the Respondent No.1/
Writ Petitioner.

Ms. Bedashruti Bose,
Ms. Rima Sarkarfor the State.

Dictated by Arijit Banerjee, J.

In re : CAN 1 of 2025

1. Affidavit-in-opposition to the delay application and reply thereto filed in Court today, be kept with the records.
2. This is an application for condonation of delay of 775 days in filing an appeal. Causes shown being sufficient, the delay is condoned.
3. CAN 1 of 2025 is, accordingly, disposed of.

In re : MAT 19 of 2025, CAN 2 of 2025

4. This appeal is directed against an order dated January 5, 2023, whereby, a learned Judge of this Court disposed of the writ petition of the respondent

no.1 herein, being WPA 3378 of 2022, by directing the respondents in the writ petition and particularly the respondent nos.2 to 5 to ensure that the amount of Rs.3,01,859.00 is made available to the respondent nos.6 and 7 within eight weeks from the date of the order. The respondent nos.6 and 7 were directed to disburse the said amount to the petitioner within three weeks from the date of receipt of the said amount.

5. The brief facts of the case are that land of the respondent no.1 herein was acquired by the State at the instance of West Bengal Electronics Industry Development Corporation Limited (in short “WEBEL”). Compensation amount was determined by the Land Acquisition Officer. That amount was paid to the respondent no.1 with funds made available by WEBEL.

6. Being dissatisfied with the amount of compensation determined by the Land Acquisition Officer, the respondent no.1 initiated a reference under Section 18 of the Land Acquisition Act, 1894. That reference was disposed of by the Additional District Judge cum L.A. Tribunal, First Court, Jalpaiguri by a judgment dated May 8, 2018, enhancing the amount of compensation.

7. Since the enhanced amount was not being paid, the respondent no.1 herein approached the learned

Single Judge in the present round of litigation. By the impugned order, the learned Single Judge disposed of the writ petition. Hence, this appeal at the instance of WEBEL.

8. Learned Additional Advocate General representing the appellants says that the writ petition was served immediately before the Christmas Vacation in 2022. There was not sufficient time for WEBEL to engage lawyers. WEBEL could not be represented before the learned Single Judge on January 5, 2023, when the learned Judge disposed of the writ petition by issuing the direction mentioned above. Learned Additional Advocate General requests that the matter be remanded to the learned First Court after setting aside the order impugned herein.

9. We are not inclined to entertain this appeal. It is not that no service of the petition was effected on WEBEL before the matter was moved before the learned Single Judge. For whatever reason WEBEL was not represented before the learned Single Judge.

10. We are told that an application has been made on behalf of WEBEL being CAN 1 of 2023 for recall of the order dated January 5, 2023, i.e. the same order which is sought to be assailed in this appeal.

Keeping that in mind also, we are not inclined to pass any order on this appeal.

11. The appeal and the connected application are disposed of.

12. However, since an application has been made by WEBEL for recall of the order dated January 5, 2023, we request the learned Single Judge to dispose of that application in accordance with law, without being influenced by any observation in this order since we have not addressed the merits of the case at all.

13. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)