

OD-8

WPO/369/2025

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

KAMAL BHAGAT
VS.
UNION OF INDIA & ORS.

BEFORE

The Hon'ble Justice AMRITA SINHA

Date: 20th May, 2025.

APPEARANCE:

Mr. Sujit Banerjee, Adv.
...for the petitioner.

Mr. Indrajeet Dasgupta, Adv.
Mr. Madhu Jana, Adv.
...for the respondent no.1.

1. The petitioner is aggrieved by the act on the part of the respondent no.3 in not permitting the petitioner to lift the scrap for which the petitioner deposited certain sum of money and further intimating the petitioner that the amount deposited will be forfeited as the petitioner used the running impeller beyond the contract.
2. The impeller that has been cut by the petitioner was in a running condition and not a scrap. According to the respondent no.3, the new impeller has been damaged by the petitioner for which the petitioner has been instructed to pay balance amount which the representative of the petitioner agreed.
3. The minutes of the meeting held between the representative of the petitioner and the respondent no.3 on 26th April, 2025 has been annexed at

page 28 of the writ petition. The petitioner insists that the act of cutting was done by his representative and the petitioner was not present at the spot.

4. Learned advocate representing the Union of India submits that the petitioner acted beyond the terms and conditions of the contract. The submission of the petitioner that no impeller in running condition has been treated as scrap and cut is denied by the respondent no. 1.
5. It has been submitted that the representative of the petitioner signed the minutes of the meeting held on 26th April, 2025.
6. Upon hearing the parties it appears that, whether the representative of the petitioner had cut the ready impeller as alleged, cannot be adjudicated by the writ Court. It is a matter of fact. The petitioner denies that the new ready impeller was cut by the representative of the petitioner. The minutes of the meeting records that the new machine has been cut. In such disputed question of fact, the writ Court ought not to enter or adjudicate.
7. In view of the above, the writ petition fails and is hereby dismissed.
8. It will be open for the petitioner to approach the competent forum for remedy, if so advised.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all legal formalities.

(AMRITA SINHA, J.)