

27.03.2026
Ct. No. 30
S.L. No. 8
SM

WPA 7154 of 2026
Sita Kant Chowdhury
Versus
The State of West Bengal & Ors.

Mr. Rananeesh Guha Thakurta

Ms. Dona Ghosh

.....for the petitioner

Mr. Ranjit Rajak

.....for the State/respondents

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondent no. 3 being the Certificate Officer to execute certificate dated November 7, 2025 registered as Case No. 192/Misc/2025 within a specified time frame in accordance with law.
3. It appears from the record that vide an order dated 28.01.2026, the Certificate Officer granted liberty to the certificate debtor to file an objection under Section 9 of the Bengal Public Demand Recovery Act and vide another order dated 10.03.2026, the matter has been posted for compliance and review on 09.07.2026.
4. Learned counsel for the petitioner has relied upon an order dated 29.08.2023 passed by the Hon'ble Division Bench of this Court in **MAT 1242 of 2021**, wherein the Court in a similar case held as follows:-

“Once such a certificate is issued, the District Collector or delegated authority has to recover the amount as though, the same is due as land revenue.

There is no specific provisions or procedure under Payment of Gratuity Act, 1972 for execution and recovery of the amount of gratuity determined by the Controlling Authority. In such circumstances, Section 14 of Bengal Public Demands Recovery Act, 1913 comes into play and the Certificate Officer has to execute the certificate by anyone or more modes mentioned therein. Apart from Section 14 of 1913 Act, no other provision is applicable to execute the certificate issued by the authority under the Payment of Gratuity Act, 1972. This is clear from Section 14 of Payment of Gratuity Act, 1972.”

*“that Certificate Officer is not an appellate authority over the authority under Payment of Gratuity Act, 1972 and he cannot revisit the order passed by the Controlling Authority.”
.....”The Certificate Officer has no power to reconsider the claim.”.....*

5. Accordingly, in view of the order passed by the Hon’ble Division Bench, this Court finds that the direction of the Certificate Officer dated 28.01.2026 directing objection to be filed by the certificate debtor

is not in accordance with law and is thus to be set aside, considering that the said provision is not applicable in the case of execution of an order passed by the Controlling Authority.

6. Accordingly, the order dated 28.01.2026, being not in accordance with law, is set aside.

7. The Certificate Officer is directed to **prepone the hearing of the case** to an earlier date with notice to both sides and proceed to execute the certificate, only as an **executing forum** and proceed to dispose of the certificate proceeding at the earliest.

8. Writ application is disposed of.

9. Applications, if any, connected thereto stand disposed of consequently.

10. Interim order, if any, stands vacated.

11. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]