

13
28.04.2026
Court. No. 25
D.Hira

WPA 10082 of 2026

M/s. Sova Udyog & Anr.
Vs.
The West Bengal State Electricity
Transmission Company Limited & Ors.

Ms. Reshmi Ghosh,
Ms. Parna Mukherjee.

... for the petitioners

Mr. Arit Bhattacharyya.

... for the respondent no. 4

Mr. Supriyo Chattopadhyay,
Ms. Debosri Chatterjee.

... for the WBSETCL

1. The petitioners have filed the present writ application directing the respondent authorities to forthwith and/or refund the amount of Rs.54,82,280/- being the amount paid by the petitioners for auction/lifting of 132/26.5 KV, 12.5 MVA scarp transformer in LOT 63 and to act in accordance with law.
2. Learned counsel appearing for the petitioners submits that the petitioners is the successful bidder in respect of LOT Nos. 48, 49, 50, 52, 56, 58, 59 and 63. Out of the said LOTs and the petitioners have lifted all the LOTs except LOT No. 63.
3. It is the allegation of the petitioners that when to lift the LOT No. 63, the petitioners found that there is a theft with regard to copper coil from the said

transformer and due to the petitioners could not lift the said LOT No. 63 and immediately inform the same to the Chief Engineer Officer, Procurement, West Bengal State Electricity Transmission Company Limited on 6th April, 2026.

4. She submits that in spite of receipt of the said complaint made by the petitioners, the authorities have not taken any steps and the respondents have threatening the petitioners for forfeiture of the entire amount, that is, Rs.54,82,280/-.
5. She submits that unless and until the authorities will not take appropriate steps with regard to the complaint filed by the petitioners for missing of copper coil from the LOT No. 63, it is not possible for the petitioners to lift the LOT No. 63 in terms of the contract.
6. Per contra, learned counsel for the respondents submits that the tender document contains arbitration clause and also denied with regard to the allegation of theft. He submits that instead of invoking the arbitration clause, the petitioners have filed the present writ application.
7. The arbitration clause provides that disputes or differences arising out or relating to this agreement shall be resolved through amicable mutual discussion. Failing such amicable resolution disputes/differences either of the party may refer the matter to arbitration of a Sole Arbitrator to be

appointed by the Managing Director of Mjunction Services Limited or by the West Bengal State Electricity Transmission Company Limited.

8. Considering the submissions made by the learned counsel for the respective parties, this Court finds that immediately when the petitioners came to know about the missing copper coil LOT No. 63, the petitioners has made a complaint to the Chief Chief Engineer Officer, Procurement, West Bengal State Electricity Transmission Company Limited on 6th April, 2026. The said complaint made by the petitioner is still pending and no decision has been taken by the authority.
9. As per Arbitration Clause, the disputes and differences arising out or relating to the agreement shall be resolved through amicable mutual discussion. The request of the petitioners is pending before the authorities.
10. In view of the said clause, this Court finds that no purpose will be sub-served by keeping the writ petition pending.
11. Accordingly, the writ petition is disposed of by directing the respondent no. 2 or any of the Competent Authority of the respondent no. 1 to consider the complaint made by the petitioners on 6th April, 2026 and after giving an opportunity of hearing to the petitioners to decide the complaint filed by the petitioners within a period of two weeks

from the date of receipt of this order. Till the decision is taken by the authorities in the complaint filed by the petitioners, no coercive action shall not be taken against the petitioners.

12. It is further made clear that if the decision is taken against the petitioners after the discussion between the parties, the respondents shall grant further ten (10) days time to the petitioners for taking appropriate steps in accordance with law.

13. **WPA 10082 of 2026** is disposed of.

14. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)