

15.05.2026
SL No.3
Court No.12
(gc)

MAT 795 of 2026
CAN 1 of 2026 (not in file)
CAN 2 of 2026
CAN 3 of 2026
CAN 4 of 2026

Balaka Swanirbhar Ghosti,
represented by its Secretary
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharya
Mr. Robiul Islam,
Mr. Masooq Rahaman

...for the Appellant.

Mr. Jaydip Kar, Sr. Adv.,
Mr. Mohan Kumar Sanyal,
Mr. Dwaipayan Sanyal

...for the Respondent Nos.3 & 4.

1. We are not inclined to interfere with the order passed by the learned Single Judge in WPA 9494 of 2026 on April 28, 2026. The writ petition was filed by the appellant/petitioner for a writ of mandamus commanding the respondents, their agents, servants, subordinates, employees and/or assignees to grant approval/extension for engagement of the appellant to supply the food stuff (Rice, Musur Dal, Mustered Oil and Iodized Salt) to the Domkal, Jalangi and Samserganj ICDS Projects in the District of Murshidabad. His Lordship, upon appreciation of the facts found that, since 2014, the appellant was supplying food items to Anganwadi Centres. The agreement expired in the month of

March, 2026 and the appellant prayed, in advance, for extension of the agreement. A representation was made on an earlier occasion for consideration of the prayer and in another proceeding, an order was passed upon the authorities to consider the prayer of the appellant. The appellant was granted extension. A similar order was prayed for in the writ petition. The State respondents submitted before the learned Single Judge that the contract period of the appellant expired in the month of March, 2026 and, subsequently, the interim arrangement was made allowing other three persons to supply the articles to Domkal, Jalangi and Samserganj ICDS Projects. This interim arrangement was made on account of introduction of the Model Code of Conduct in view of the ensuing General Assembly Election, 2026. It was further contended on behalf of the State that on February 26, 2026, the appellant had submitted a representation stating that due to unforeseen financial circumstances, the appellant regretted to continue to supply the materials to the said project and, accordingly, the authorities had issued the work order to other three persons for supply of the materials. The appellant submitted before His Lordship that the unwillingness was informed to the State because payments were not made. Once the

payments were released, the appellant had withdrawn the unwillingness.

2. Upon hearing the parties, His Lordship was of the view that the contract period was completed and the appellant had also given its unwillingness to continue with the project work. The project work was already given to other persons till the month of May, 2026. Thus, His Lordship expressed an opinion that in view of the completion of the project period and also in view of the fact that the appellant had suddenly expressed its willingness to execute the project on account of which an interim arrangement had to be made, no further orders could be passed in favour of the appellant. However, His Lordship left it open to the authorities to decide such issues in accordance with law.
3. Under such circumstances, we do not find as yet that any issue in this regard has been decided by the authorities and that the appellant had approached the authorities, but the authorities failed to accede to the request of the appellant.
4. Under such circumstances, nothing survives in the appeal and the order impugned does not call for any interference.
5. It is always up to the authorities to take a decision as and when the proposed suppliers/existing

suppliers approach the authorities with their request. It is entirely within the domain of the executive. The relationship between the suppliers and the State are in the arena of contractual relationships.

6. Under such circumstances, we cannot pass any order which will be speculative in nature.
7. Accordingly, the appeal is disposed of.
8. In view of disposal of the appeal, the connected applications are also disposed of.
9. There shall be no order as to costs.
10. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)