

IN THE HIGH COURT AT CALCUTTA

CONSTITUTIONAL WRIT JURISDICTION

(APPELLATE SIDE)

WPA 12414 of 2026

Bhargab Sales Private Limited

–Versus –

State of West Bengal & Others

Mr. Biswaroop Bhattacharyya

Mr. Iswar Das

.....for the petitioner

Mr. Suryaneel Das, Ld. AGP

Ms. Anita Kundu

Mr. Amalendu Bikash Dutta

...for the State respondents

- 1) Affidavit of service filed on behalf of the petitioner is taken on record.
- 2) It is submitted by Mr. Bhattacharyya, learned advocate representing the petitioner that petitioner had right in connection with a construction project over land in question and such right is being affected by overt action of the concerned police authorities prompting the petitioner to approach this Court with the present writ petition. A case is attempted to be made out in the present writ petition thereby seeking direction upon concerned police authorities to restrain themselves in relation to acts and actions connected to land in question which are required to be carried out by the petitioner. In other words, prayer is made in the writ

petition for direction upon the concerned police authorities to tame them.

3) From the submissions made on behalf of the parties, this Court has come across an arbitral award dated 13th March, 2026 wherein it was held that Development Agreement ceased to exist prior to initiation of Corporate Insolvency Resolution Process. Development Agreement straightway did not grant any right upon the present petitioner to be involved in construction activities. However, it is submitted on behalf of the petitioner that petitioner is not the developer but petitioner accrued right from the developer by executing a notarized assignment agreement.

4) It is also contended that arbitral award dated 13th March, 2026 is put under challenge by the petitioner and the developer. However, till date said arbitral award is not set aside.

5) In view of facts emanating from the submissions made on behalf of the parties, it appears that as on date arbitral award dated 13th March, 2026 is subsisting but application questioning the arbitral award is pending before the appropriate forum.

6) Therefore, this Court is required to take into consideration the arbitral award dated 13th March, 2026 in scrutinizing the case made out in this writ petition. As by virtue of arbitral award dated 13th March, 2026 development agreement does not survive no right percolates in favour of the petitioner being beneficiary of

assignment agreement executed by the developer. However, it needs to be recorded herein that challenge thrown to the arbitral award under section 34 of the Arbitration and Conciliation Act, 1996 is yet to be decided.

7) In view of aforesaid scenario, no order need be passed on this writ petition directing police authorities to take steps for ensuring right of the petitioner being beneficiary of assignment agreement executed by the developer.

8) In the event challenge to the arbitral award of the petitioner becomes successful, petitioner shall be at liberty to take steps in accordance with law.

9) Writ petition stands disposed of.

10) Since no affidavit is called for, allegations contained in the writ petition are deemed not to have been admitted.

11) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)