01.10.2026
Item No.8
Ct. No. 30
Aloke

WPA 27425 of 2026

M/s. Aqueduct Plastics Pvt. Ltd.
Vs
The State of West Bengal & Ors.

Mr. Aniruddha Chatterjee, ld. Sr. Adv.
Mr. Parikshit Lakhotia
... for the petitioner

Mr. Bijendra Pratap Singh
Mr. Vaibhav Prakash
... for the State

1. Affidavit-of-service filed be kept with the record.

2. The writ application has been preferred praying for setting aside of the impugned Memo No. 1166/1(2)/P-168/22/E4LC dated 02.04.2026 issued by the respondent Referee and the order dated 08.01.2026.

3. Vide the impugned order the Referee under the West Bengal Shops and Establishments Act, 1963 has decided the Payment of Salary Case of the employee and passed an order which appears to be an unreasoned one in spite of the fact that the petitioner herein had filed written statement raising all the issues therein.

4. Learned counsel for the State has placed a report wherein it appears that in spite of several opportunities being granted to the petitioner herein the petitioner did not

appear for the hearing and it is stated by the authority concerned that having no other option the impugned order has been passed.

5. On hearing the learned counsels for the parties and on perusal of the materials on record admittedly the written statement filed by the petitioner was before the authority concerned wherein the issues raised by the petitioner before the authority concerned were placed.

6. It appears that in spite of the written statement being on record and point of law being raised for example the point of limitation and also the point of maintainability before the authority, the authority neither consider the written statement nor did the authority give any findings in the impugned order even if it is taken the petitioner has not cooperated in the proceedings, it is the duty of the appropriate authority to consider the materials on record and principle of natural justice requires that an order when passed should be a reasoned one.

7. The impugned order is thus not in accordance with law and is set aside.

8. The writ application is disposed of with the direction that the 'pay case' no. P-168 of

2022 dated 02.04.2026 is restored to its file and number and the Referee shall hear the matter afresh granting an opportunity to the petitioner herein and the date be fixed on 8th October, 2026 at 11 a.m. before the authority concerned where the petitioner and the other stake holders shall be present before the authority for hearing and the authority shall proceed in accordance with law.

9. It is made clear that in case the petitioner fails to appear before the authority as directed the authority shall proceed with the matter in accordance with law and dispose of the same by passing a well reasoned order in accordance with law.

10. It stated that the authority shall not be influenced by any direction made by this Court in this order.

11. The writ application stands disposed of.

12. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)