01.10.2026
Item No.9
Ct. No. 30
Aloke

WPA 27428 of 2026

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

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

Ms. Aparna Banerjee
Mr. Hemraj Adhikari
Mr. Atanu Basu
… 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 Finding/Direction dated 23.03.2026 and the notice in Form 'R' communicated by Memo No. 1167/1(2)/G-239/22/EL/LC dated 02.04.2026 issued by the respondent Controlling Authority.

3. Vide the impugned order the Controlling Authority had passed an order under the Payment of Gratuity Act.

4. Learned senior counsel appearing for the petitioner submits that though the order of the Controlling Authority is an appealable order, the petitioner was compelled to approach the High Court in view of the fact that there is absolutely no grounds or

reasons given in the impugned order to make out an appelable case before the appellate authority.

5. Considering that there is prima facie violation of the principle of natural justice by passing such an unreasoned order, the petitioner has approached this Court.

6. Mr. Atanu Basu, an empanelled learned counsel, present in Court, shall assist Ms. Aparna Banerjee, learned counsel in the present case. His appointment be regularized by the appropriate authority.

7. On hearing the learned counsels for the parties and on perusal of the materials on record it is on record that 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.

8. 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.

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

10. The writ application is thus disposed of with the direction that the impugned order is set aside and the Controlling Authority shall **hear the matter afresh** granting an opportunity to the petitioner herein and the date be fixed on 28th October, 2026 at 11 a.m. (as the Puja Vacation intervenes), 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.

11. 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.

12. It further stated that the authority shall not be influenced by any of the observations made by this Court in this order.

13. The writ application stands disposed of.

14. 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.)