08.10.2026
Item no. 40
Court no. 30
g.b.
266012

WPA 27595 of 2026

Calcutta Institute of Pharmaceutical Technology & Allied Health Science & Anr.
Vs.
State of West Bengal & Ors.

Mr. Victor Chatterjee
Ms. Shreeya Bhattacharjee
.....For the Petitioners
Ms. Aparna Banerjee
Mr. Atanu Basu
....For the State

1. Affidavit of service filed be taken on record.

2. The writ application has been preferred being aggrieved by an order dated 25.08.2025 passed under the provisions of the West Bengal Shops and Establishment Act, 1963.

3. Vide the impugned order, the authority concerned has directed payment in favour of the employee. The petitioner being aggrieved with this order has filed the writ application on the ground that the employee has taken recourse to two options, one under the West Bengal Shops and Establishment Act and another under the Industrial Disputes Act.

4. It is further stated that the officer being one and the same person has closed the conciliation process without making a reference and has proceeded under the West Bengal Shops and Establishment Act as a referee, considering that

the authority has deemed it proper to proceed under the Act.

5. Learned counsel for the petitioners submits that the petitioners' society is not a commercial establishment and as such the West Bengal Shops and Establishments (Amendment) Act, 2015 does not apply to the petitioners, as the Memorandum of Association of the society is as follows:

"The income and properties of the society whatsoever derived or obtained shall apply solely towards the promotion of the object of the society and no portion thereof shall be paid to or divided amongst any of its members by way of profits."

6. On perusal of the provisions under Section 2(2) of the West Bengal Shops and Establishment (Amendment) Act, 2015, it appears that the definition of "commercial establishment" includes a society registered under any enactment in force for the time being, charitable or other trust, non-Governmental organizations with person employed therein, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or any work in connection with or ancillary to any business, trade or profession and such other class or classes of concerns or undertakings as the State Government may, after taking into consideration the nature of

their work, by notification, declare to be commercial establishments for the purposes of this Act, but does not include a shop or an establishment for public entertainment or amusement.

7. Accordingly, this Court finds that the said Act of 1963 is applicable to the petitioners/ establishment. Considering that the referee has directed the payment of wages in respect of the employee by passing a reasoned order, this Court finds no reason to interfere with the impugned order, which being in accordance with law requires no interference.

8. The writ application is disposed of.

9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Shampa Dutt (Paul), J.)