

06.04.2026
M/L No.06
Court No.12
(cp)

MAT/1956/2025
IA NO: CAN/2/2025

UNITED EXHIBITORS SYNDICATE PVT. LTD. & ANR.
VS.
IFCI LTD. & ORS.

Mr. Biswaroop Bhattacharya
Mr. Soumavo Mukherjee
Mr. Subhajit Seth

.....for the appellants.

Mr. Santanu Kr. Mitra
Ms. Priyamvada Singh

.....for the State respondents.

Mr. Dipankar Das

....for the respondent nos. 1&2.

1. The appeal arises out of an order dated February 21, 2024, passed by a learned Single Judge in WPA 28520 of 2023. By the order impugned, the learned Judge held that as the tender process had been cancelled and the earnest money had been refunded, no order could be passed by the writ court. However, His Lordship allowed the appellants to approach the respondent authorities if they are interested to purchase the property, in accordance with law.
2. It appears that the concerned plot had been allotted in favour of the respondent nos. 1 and 2 by the respondent nos. 3 and 4 on leasehold basis. The

respondent nos. 1 and 2 sought to sell the immovable property on 'as is where is and whatever basis', through e-auction. The appellants were the successful auction purchasers and had deposited the earnest money. However, the amount was refunded when the State of West Bengal raised an objection with regard to the proposed sale, without any permission from the competent department. Under such circumstances, the entire auction process was recalled and/or revoked and/or cancelled by the respondent nos. 1 and 2 and the money was refunded to the appellants.

3. In respect of Salt Lake properties, leasehold rights had been created in favour of allottees by the Urban Development Department. Subsequently, the department had come up with a policy, permitting the sale of the Salt Lake properties upon compliances of certain formalities and also on the basis of the terms and conditions of the original lease. However, no sale could be effected without compliance of the rules and the policy. Permission of the department is mandatory.
4. We do not find that the order impugned to be perverse. If the appellants have suffered any loss or injury on account of the cancellation, the remedy of the appellants will be to file a suit for damages. If the respondent nos. 1 and 2 wish to transfer the immovable property, then the provisions of the rules/policy of the

Government have to be complied with and necessary permission should be obtained from the State of West Bengal afresh, before undertaking any activity in this regard.

5. Accordingly, the appeal is disposed of. The connected application being CAN 2 of 2025 is also disposed of.
6. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Ajay Kumar Gupta, J.)