

Form No. J(2)

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present: The Hon'ble Justice Sabyasachi Bhattacharyya
And
The Hon'ble Justice Biswaroop Chowdhury

M.A.T 2015 of 2025
IA No: CAN 1 of 2025

Asansol Durgapur Development Authority and others
Vs.
M/s. Nirman Construction and others

For the appellants	:	Mr. Sharanya Chatterjee
For the writ petitioner /respondent	:	Mr. Saptangshu Basu Mr. Sayan Chattopadhyay
For the respondent no.4	:	Mr. Siddhartha Banerjee Mr. Abhisek Baran das Mr. Shubho Mukherjee
Heard on	:	20.05.2026
Judgment on	:	20.05.2026

Sabyasachi Bhattacharyya, J.:-

1. We are apprised by learned counsel that the pleadings in the writ petition from which the present appeal arises are complete.
2. Learned counsel for the appellants, Asansol Durgapur Development Authority (for short "ADDA") submits that it

entered into a lease deed with the writ petitioner/respondent in the year 2006.

3. In terms of the same, the writ petitioner/respondent was to commence development of the property concerned within three years.
4. Having not done so, subsequently steps were taken by the ADDA to resume the subject property.
5. A belated reply was given to the show-cause notice issued initially by the writ petitioner/respondent.
6. The matter went to and fro between the Court and the authorities due to subsequent litigations.
7. Ultimately, upon giving hearing to the writ petitioner/respondent, the property was resumed in view of the writ petitioner/respondent not having commenced development within time.
8. Learned counsel for the appellants fairly submits that in the interregnum, there was a communication on behalf of the ADDA to the writ petitioner/respondent seeking a comprehensive development plan from the writ petitioner.
9. However, it is contended that since the project is in public interest, the principle of promissory estoppel ought not to apply merely because of such communication.
10. Learned counsel appearing for the respondent no.4/implementing authority further adds that the writ

petitioner appears to be an unregistered partnership firm; thus barred by law from initiating the writ petition itself.

- 11.** Learned senior counsel appearing for the writ petitioner/respondent submits that the point of maintainability on the ground of non-registration of the firm was never raised before the writ court.
- 12.** If the same is to be taken, it is submitted that a proper averment has to be made on oath as to the writ petitioner not being a registered partnership firm.
- 13.** Upon hearing learned counsel for the parties, we find that the questions to be decided in the instant appeal virtually touch on the merits of the writ petition itself.
- 14.** Hence, it would be premature at this juncture to adjudicate on the said issues on merits.
- 15.** In any event, the appeal has been preferred against an interim order which was passed long back in the writ petition and since then, the writ petition has become ready for hearing.
- 16.** Insofar as the question of maintainability of the writ petition is concerned, as well as the other issues argued by the parties, it would be open to the parties to raise such questions before the writ court, if otherwise entitled to in law.
- 17.** If so taken, we are confident that the writ court will decide those issues in accordance with law.

- 18.** In view of the above observations, MAT 2015 of 2025, along with CAN 1 of 2025, is disposed of without interfering with the impugned order by making it clear that the merits of the respective contentions of the parties in the writ petition have not been entered into by this court.
- 19.** There will be no order as to costs.
- 20.** Urgent photostat copies of this judgment, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)

I agree.

(Biswaroop Chowdhury, J.)

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