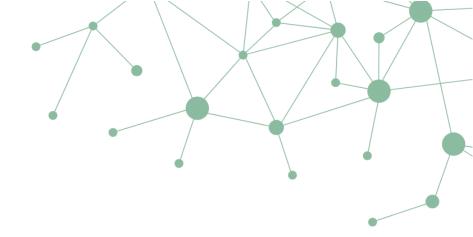


# CALCUTTA HIGH COURT Monthly Digest: April 2025



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#### SMT. PUSHPARANI DUTTA VS RANAJIT DUTTA [CRR/3595/2018]

#### Bench: Justice Ajay Kumar Gupta

The petitioner's revisional application challenging the acquittal under Section 498A IPC is maintainable, but caution is necessary to avoid converting it into an appeal. The trial court properly exercised its jurisdiction, and no grave injustice or failure of justice warranted interference. The revisional application is dismissed, upholding the acquittal order.

#### SITAL PRASAD SHAW @ GUPTA VS ASHISH BHATTACHARYA [CRR/1770/2011]

#### Bench: Justice Ajay Kumar Gupta

Sital Prasad Shaw @ Gupta is entitled to discharge from proceedings under Section 245(3) of the CrPC due to the prosecution's failure to complete evidence before charge within four years of the amended section's effect, resulting in a delay of over 43 years. This delay violated his rights under Article 21 of the Constitution, and the prosecution did not provide sufficient cause for the delay. Proceedings against Shaw were quashed, and he was directed to be discharged. In a related matter, the name of the deceased opposite party, Ashish Bhattacharya, was substituted with Manas Kumar Mishra.

#### HEMENRA MULLICK VS THE STATE OF WEST BENGAL [CRR/2735/2022]

#### Bench: Justice Ajay Kumar Gupta

The criminal revision petition by Hemendra Mullick was allowed, resulting in the quashing of proceedings against him. The owner of the tenanted premises was falsely implicated without evidence for offenses of criminal breach of trust, cheating, and criminal intimidation. The allegations were deemed to warrant an intervention to prevent abuse of court processes, leading to the conclusion that the proceedings should be quashed.

## PROFESSOR BIDYUT CHAKRABORTY VS THE STATE OF WEST BENGAL [CRR/2599/2023]

#### Bench: Justice Ajay Kumar Gupta

The criminal revision application by the Vice-Chancellor, PRO, and Deputy Registrar of Visva-Bharati University was dismissed due to allegations suggesting offences under Sections 500 and 120B of the Indian Penal Code and Section 3(1)(r)(p)(s) of the SC/ST (Prevention of Atrocities) Act, 1989. The accused issued a press release naming the opposing party and alleging financial irregularities, which indicated malicious intent to defame. Additionally, claims of the Vice-Chancellor using derogatory language related to caste and restricting SC/ST/OBC officers' access suggested violations of the SC/ST Act. The allegations warranted a trial to investigate further.

#### AMITAVA GHOSH VS THE STATE OF WEST BENGAL [CRR/4132/2023]

#### Bench: Justice Ajay Kumar Gupta

The criminal revision application was allowed, leading to the quashing of proceedings against the father-in-law and sister-in-law under Sections 498A, 325, and 34 of the Indian Penal Code. The allegations were found to be vague and lacking specifics regarding dates, times, or methods of alleged abuse. The complainant did not live in the matrimonial home, and the collected evidence did not establish a prima facie case against the petitioners.



#### BIJOY RAM SINHA VS SHIB NATH BHADURI [SA/36/2001]

#### Bench: Justice Ajoy Kumar Mukherjee

The appeal by the defendant-appellants was accepted, leading to the dismissal of the plaintiff-respondents' suit as per the trial court's decision. The defendant-appellants properly served notice to the plaintiff-respondents before selling the property, with the presumption of service under the certificate of posting deemed valid and unchallenged by the plaintiffs. The plaintiff-respondents waived their right of pre-emption by not acting during a previous sale in 1945, which barred their later claim. Additionally, the claim for specific performance of contract was deemed non-maintainable since it had been abandoned before the trial court, preventing relief from being granted by the appellate court.

#### DIPANJAN BHATTACHARJEE VS MS. LAD DEVI JAIN [CRR/1043/2022]

#### Bench: Justice Ajoy Kumar Mukherjee

The complaint against Dipanjan Bhattacharjee under Sections 138/141 of the Negotiable Instruments Act is not maintainable due to insufficient averments to establish vicarious liability. The complaint failed to provide specific details regarding Bhattacharjee's role and responsibilities as a designated partner in the LLP, particularly neglecting his detailed denial of knowledge or participation in the transaction. Consequently, the complaint did not establish a prima facie case for vicarious liability under Section 141. Proceedings against him in the complaint case have been quashed.

## DIPANJAN BHATTACHARJEE VS M/S SHANTILAL JAIN & SONS HUF [CRR/1045/2022] ☑

#### Bench: Justice Ajoy Kumar Mukherjee

The complaint against Dipanjan Bhattacharjee did not meet the mandatory requirements under section 141 of the Negotiable Instruments Act to establish his vicarious liability. It lacked specific details regarding his role and involvement in the alleged offense, particularly in light of his denial of liability. Consequently, the criminal proceeding against him was quashed. The status of other accused persons was not addressed.

#### NARESH MAHATO VS THE STATE OF WEST BENGAL [CRR/112/2025]

#### Bench: Justice Ajoy Kumar Mukherjee

The petitioner's criminal revision application challenging the NDPS case was dismissed. The petitioner's confession made while in custody was deemed to establish a prima facie case against him, with the potential to be considered as evidence if found voluntary and reliable. The evaluation of materials to assess the likelihood of conviction was not undertaken, as that task is reserved for the trial court. Although the co-accused's confession implicating the petitioner is generally inadmissible, the petitioner's own confession was acknowledged. The decision emphasized careful exercise of power under Section 482 CrPC to avoid abuse of the court process while ensuring legitimate prosecution is not hindered. The petitioner was permitted to present grievances during the trial court proceedings at the charge hearing or another suitable stage.

## AJAY KUMAR BAYEN @ AJAY BAYEN VS STATE OF WEST BENGAL [CRR/1995/2022]

#### Bench: Justice Ajoy Kumar Mukherjee

The criminal revision petition against the conviction under Section 138 of the Negotiable Instruments Act was dismissed. The lower courts established the complainant's case beyond reasonable doubt, while the appellant's claim of cheque misuse lacked supporting evidence. No gross misappreciation of evidence or legal error was identified in the lower courts' judgments.

## ARDDY ENGINEERING INNOVATIONS PVT. LTD. VS HERAUS TECHNOLOGIES INDIAN PVT. LTD.

#### [CRR/4690/2022]

#### Bench: Justice Ajoy Kumar Mukherjee

Allegations in the complaint indicate potential offenses including cheating, criminal breach of trust, and



forgery by the petitioner. The existence of a civil dispute or pending civil suit does not prevent criminal proceedings. The argument to quash the criminal proceedings was rejected as the evidence has yet to be tested at trial. The criminal revision petition was dismissed, leading to a directive for the trial court to expedite its proceedings.

## SRI SRI ISWAR RAMESWARSHIB THAKUR VS NIRMAL KANTI GANGULY [SA/255/2017]

#### Bench: Justice Ajoy Kumar Mukherjee

The power of attorney holder cannot provide evidence on behalf of the principal for matters within the principal's personal knowledge. A compromise decree from an earlier suit is binding on the plaintiff, as the same issues were previously litigated. The plaintiff lacks cause of action to challenge the compromise decree, which did not affect the title or possession of the deities, and the defendants did not dispute the debottar nature of the suit properties. The appeal was dismissed due to the absence of any errors in the findings of the lower courts.

#### RUPALISAHA VS THE STATE OF WEST BENGAL [CRR/1906/2022]

#### Bench: Justice Ajoy Kumar Mukherjee

Criminal proceedings against Rupali Saha were quashed due to unsubstantiated allegations of cheating and criminal breach of trust. The matter was determined to be a civil issue related to a tenancy agreement, where partial rent payments were made, and non-payment alone does not constitute a criminal offense. The allegation of wrongful restraint was deemed vague and unsupported by evidence. Continuing the criminal proceedings was seen as an abuse of the judicial process.

#### BABULAL SARDAR VS THE STATE OF WEST BENGAL [CRA (SB)/72/2023]

#### Bench: Justice Ajoy Kumar Mukherjee

Babulal Sardar was convicted under Sections 354B of the Indian Penal Code and 10 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, for taking a seven-year-old victim into his room, closing the door, and disrobing her. The victim's statements and those of two eyewitnesses provided sufficient corroboration for the conviction. Although the allegation of penetrative sexual assault could not be proven beyond reasonable doubt due to medical evidence and the victim's own statements, the established facts were adequate for a conviction regarding assault with intent to disrobe and aggravated sexual assault under the POCSO Act.

## ABHISHEK KUMAR KASHYAP VS THE STATE OF WEST BENGAL [CRR/468/2024]

#### Bench: Justice Ajoy Kumar Mukherjee

The petitioners presented valid documents, including an e-way bill, tax invoice, and GST registration. However, investigations indicated these documents were fabricated, with the consignor and logistics provider nonexistent. Despite violations of the CGST Act 2017, the police may investigate under the Bharatiya Nyay Sanghita 2023 for fraud and forgery. The petitioners' request for the release of the seized goods was dismissed due to inconclusive ownership, and the disposal of the seized betel nuts/areca nuts was directed according to the BNS procedure.



#### SANJAY JHUNJHUNWALA VS RESERVE BANK OF INDIA [WPA/2065/2025]

#### **Bench: Justice Amrita Sinha**

The petitioner cannot compound the offence under the Foreign Exchange Management Act, 1999 after the adjudication process has concluded and an order has been issued. The Foreign Exchange (Compounding Proceedings) Rules, 2000 do not allow for compounding once the adjudication process is complete. Allowing compounding at this stage would undermine the purpose of the adjudication process and invalidate the adjudication order.

#### M/S. IDL EXPLOSIVES LIMITED VS UNION OF INDIA [WPA/5558/2025]

#### Bench: Justice Amrita Sinha

The order imposing a ban on M/s. IDL Explosives Limited by Coal India Limited for submitting a false Local Content Certificate was deemed valid. However, the determination of the ban's duration lacked proportionality concerning the gravity of the offense and the loss incurred by Coal India Limited. Consequently, the order was set aside, requiring Coal India Limited to reassess the ban duration and provide a reasoned justification for the maximum period based on these factors.

#### DEBAJYOTI CHOWDHURY VS THE STATE OF WEST BENGAL [WPA/1443/2024]

#### **Bench: Justice Amrita Sinha**

The writ petition for compassionate appointment filed by the son of a deceased employee was dismissed. Compassionate appointments are intended to provide immediate financial relief to families after the death of a breadwinner, which is negated by a delay of over 12 years since the employee's death. The initial application for compassionate appointment was made by the widow, who later consented to her son's application; however, the son did not apply within the required timeframe.



#### RELIANCE GENERAL INSURANCE CO. LTD. VS SUNITA DEY [FMA/949/2024]

#### Bench: Justice Ananya Bandyopadhyay

The insurance company is liable to pay compensation to the claimant due to insufficient proof of the driver's lack of a valid license. If the insurance company later proves that the driver was unlicensed, it may recover the compensation from the vehicle's owner. The Registrar General's office is instructed to disburse the awarded compensation and interest to the claimant and refund any remaining amount to the insurance company.

## UNITED INDIA INSURANCE COMPANY LTD. VS DULAN ANKURE [FMA/1148/2024]

#### Bench: Justice Ananya Bandyopadhyay

Compensation of Rs. 5,00,000 was awarded to the claimants for the death of the victim in a motor vehicle accident. The appellant insurance company had deposited Rs. 8,78,050 towards this compensation. The balance compensation amount of Rs. 5,00,000 is to be disbursed to the claimants, including interest at 6% per annum from the date of the claim. Interest accrued on the deposited amount is to be apportioned in favor of the insurance company.

# KALYANI ADHIKAR @ADHIKARI VS THE NEW INDIA ASSURANCE COMPANY LTD [FMA/1416/2022] & Bench: Justice Ananya Bandyopadhyay

In a fatal accident case under Section 163A of the Motor Vehicles Act, compensation was fixed at Rs. 5 lakhs, following the precedent set in Urmila Halder v. New India Assurance Co. Ltd. The previous award of Rs. 4,68,500 was deemed insufficient, leading to a directive for the insurance company to pay an additional Rs. 31,500 with interest to the claimants.

# NATIONAL INSURANCE COMPANY LIMITED VS MISHRA VALA DALAI [FMA/1481/2024] Bench: Justice Ananya Bandyopadhyay

The compensation amount awarded by the Motor Accident Claims Tribunal was modified, with the victim's monthly income set at Rs. 7,500 and a future prospects addition of 40%. General damages were established at Rs. 33,000, leading to a revised total compensation of Rs. 11,67,000. Directions for the deposit and disbursement of the compensation to the claimants were also provided.

## CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. VS RUPA KUMAR DAS [FMA/1357/2024] Bench: Justice Ananya Bandyopadhyay

The compensation awarded by the Motor Accident Claims Tribunal was modified, with the deceased's monthly income set at Rs. 7,000 instead of the claimed Rs. 8,500. The total compensation was revised to Rs. 12,60,000, including a 40% future prospect, and an interest rate of 6% per annum was applied. The insurance company was directed to disburse Rs. 19,06,646 to the claimants after deducting court fees, while the accrued interest on the deposit was to be paid to the insurance company.

# NATIONAL INSURANCE CO. LTD. VS BULU RANI GHOSH [FMA/1497/2024] Bench: Justice Ananya Bandyopadhyay

Compensation awarded to claimants Bulu Rani Ghosh and others for a motor accident death was modified due to an error of excess general damages previously granted amounting to Rs. 1,20,000. The compensation was recalculated based on the victim's annual income, future prospects, and personal expenses, using a multiplier of 11. The modified compensation amount of Rs. 7,61,600 was ordered with 6% interest per annum from the date of filing the claim application. The Registrar General's office was directed to disburse the compensation to the claimants and refund any differential amount to the insurance company.

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. VS ESAMATARA BIBI [FMAT/525/2019] Bench: Justice Ananya Bandyopadhyay



The appeal by the insurance company Bajaj Allianz was partially allowed, leading to a modification of the compensation amount for the deceased's legal heirs from Rs. 29 lakhs to Rs. 39.77 lakhs, with 6% interest per annum from the filing date. The accident was attributed to the negligent driving of the pickup van insured by Bajaj Allianz. In cases involving multiple vehicles, compensation should be divided based on the percentage of negligence of each driver. Additionally, calculations of the deceased's income and limits on non-pecuniary compensation were addressed.

#### SUJOY DUTTA ROY VS NATIONAL INSURANCE CO. LTD. [FMA/834/2018]

#### Bench: Justice Ananya Bandyopadhyay

The National Insurance Company is not liable for compensation to the victim due to the driver lacking a valid driving license during the accident. The vehicle owner was found negligent for allowing an unlicensed driver. Compensation was recalculated, resulting in a total of Rs. 4,33,180 with 6% interest per annum, with instructions for the insurance company to deposit the amount and recover it from the vehicle owner if proof of a valid license is provided.

#### IFFCO TOKIO GENERAL INSURANCE CO. LTD. VS ARPITA MITRA [FMA/9/2014]

#### Bench: Justice Ananya Bandyopadhyay

The last income tax return of the victim prior to his death was assessed at â,'3,47,819 for annual income. Contradictory documents regarding the driver's license did not prove that the driver lacked a valid license at the time of the accident, preventing the insurance company from recovering the compensation from the vehicle owner. The Tribunal erred by not considering medical expenses of â,'12,24,617 incurred for the victim's treatment. The correct multiplier for calculating loss of dependency was determined to be 7, given the victim's age of 64. The compensation amount was modified to â,'29,17,777, which the insurance company must deposit within six weeks.

#### RENUKA DOLAI VS NEW INDIA ASSURANCE COMPANY LTD [FMA/514/2023]

#### Bench: Justice Ananya Bandyopadhyay

The award amount determined by the Motor Accident Claims Tribunal was modified. The victim, a mason, was assigned a monthly income of Rs. 7,000. Compensation was calculated at Rs. 14,00,000, with Rs. 10,15,000 already withdrawn by the claimants. The insurance company must deposit the remaining amount of Rs. 3,85,000 with 6% interest per annum.

# MAMATA MANNA (SANTRA) VS BAJAJ ALLIANZ GENERAL INSURANCE COMPANY LTD. [FMA/671/2022] & Bench: Justice Ananya Bandyopadhyay

The compensation amount awarded by the Motor Accident Claims Tribunal was modified to reflect the victim, a bus helper, earning Rs. 6,000 per month instead of Rs. 4,000 due to insufficient documentary evidence. The multiplier based on the victim's age of 25 years was adjusted to 18 from the tribunal's 17. The total compensation awarded is Rs. 14,37,800, including a 40% future prospect increase and a deduction of 1/4th for personal expenses. The respondent insurance company is required to deposit the balance amount of Rs. 5,11,000 with interest at 6% per annum.

# TAPAN KUMAR GHOSH VS THE UNITED INDIA INSURANCE COMPANY LTD. [FMA/779/2022] ☑ Bench: Justice Ananya Bandyopadhyay

The Motor Accident Claims Tribunal's assessment of the claimant's monthly notional income at Rs. 3,000 was upheld, noting the claimant continued working until retirement. Compensation for "pain and suffering" was increased from Rs. 50,000 to Rs. 1,00,000 due to a traumatic eye injury. The insurance company was instructed to deposit the additional Rs. 50,000 with 6% interest for the claimant.

## NATIONAL INSURANCE CO. LTD. VS TOHIDA KHATUN [FMA/904/2024]

Bench: Justice Ananya Bandyopadhyay



The lower tribunal incorrectly calculated the parental consortium award at Rs. 1,60,000 instead of Rs. 40,000. Following established legal principles, the total compensation was modified from Rs. 14,75,200 to Rs. 13,62,200. The insurance company was directed to deposit the revised amount for disbursement to the claimants, while the remainder of the tribunal's judgment was upheld.

#### THE NEW INDIA ASSURANCE CO. LTD. VS SUSMITA ACHAYA [FMA/1059/2024]

#### Bench: Justice Ananya Bandyopadhyay

The deceased's annual income is to be calculated based on "Form 16" rather than the last monthly pay slip. The interest rate on the awarded compensation is reduced from 9% to 6% per annum. Compensation for parental and filial consortium is decreased from Rs. 1,20,000/- to Rs. 84,000/-. The insurance company has deposited a total amount of Rs. 52,61,368/-, which the claimants are entitled to receive with interest from the date of filing the claim application.

#### THE NEW INDIA ASSURANCE COMPANY LTD. VS JABA BISWAS [FMA/1102/2024]

#### Bench: Justice Ananya Bandyopadhyay

The appeal by New India Assurance Company Ltd. against the Motor Accident Claim Tribunal's award was allowed. The insurance company can recover the compensation amount paid to the vehicle owner upon proof of an invalid driving license. The claimants are entitled to receive the balance amount with interest at 6% per annum, and directions were provided for the deposit and disbursement of the amount to the claimants.

#### DEBABRATA BHUNIA VS NATIONAL INSURANCE CO. LTD [FMA/180/2021]

#### Bench: Justice Ananya Bandyopadhyay

The Motor Accident Claims Tribunal's award was modified, increasing the compensation to the appellant/claimant based on factors such as the victim's monthly income, future prospects, degree of disability, medical expenses, and general damages. The revised compensation was set at Rs. 4,00,200/-with 6% interest per annum, to be deposited by the respondent insurance company.

## NEW INDIA ASSURANCE COMPANY LIMITED VS SHIBANI KHAN [FMA/58/2023] ☑

#### Bench: Justice Ananya Bandyopadhyay

Compensation awarded by the Motor Accident Claims Tribunal was modified. The victim's monthly income was revised from â,12,000 to â,16,000, resulting in a reduction of general damages, including parental consortium. Total compensation was adjusted to â,12,93,600. The Registrar General is to disburse the amount to the claimants after deducting court fees and pay the accrued interest to the insurance company.

# MAMATA GHOSH VS HDFC ERGO GENERAL INSURANCE COMPANY LTD [FMA/1000/2023] Bench: Justice Ananya Bandyopadhyay

The lower court incorrectly assessed the victim's monthly income at Rs. 6,000, failing to consider the Income Tax Return documents, which indicated a higher annual income. Consequently, total compensation was increased from Rs. 13,43,000 to Rs. 42,98,000. General damages were reduced from Rs. 1,76,000 to Rs. 77,000 at the request of the insurance company. The case involved one accident and a single set of appellants/claimants.

## SHRIRAM GENERAL INSURANCE CO. LTD. VS RABEDA KHATUN [FMA/155/2024]

#### Bench: Justice Ananya Bandyopadhyay

The award by the Motor Accident Claims Tribunal in favor of the claimants against the insurance company was upheld. Evidence, including the charge-sheet from the investigation, indicated the truck was involved in the accident. The insurance company's challenges to the claims and Tribunal's findings were dismissed. The insurance company is required to deposit the awarded compensation for the claimants.



#### CHANDRA MOHAN ROY VS THE STATE OF WEST BENGAL [CRA/16/1996]

#### Bench: Justice Ananya Bandyopadhyay

Chandra Mohan Roy's appeal against his conviction under Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 was allowed due to insufficient evidence from the prosecution. The evidence did not establish that Roy intended to trade or sell the seized paddy, and the quantity of paddy was not accurately measured. Conviction based on mere suspicion was deemed inadequate, leading to the setting aside of the trial court's judgment.

#### GOPAL MONDAL VS THE STATE OF WEST BENGAL [CRA/77/1988]

#### Bench: Justice Ananya Bandyopadhyay

Gopal Mondal's criminal appeal against his conviction under Section 7(1)(a)(ii) of the Essential Commodities Act was allowed. Although the prosecution established the storage and sale of petrol and diesel without a license, Mondal's involvement was not conclusively proven, especially since the principal accused was acquitted. Considering the 40-year delay since the incident and Mondal's continued bail status, he was granted probation under the Probation of Offenders Act, 1958, requiring a bond of Rs. 5,000 for good behavior and a fine of Rs. 5,000 to be paid within six months.

#### SUNIL BARMAN VS THE STATE OF WEST BENGAL [CRA/115/1997]

#### Bench: Justice Ananya Bandyopadhyay

Sunil Barman was convicted under Section 7(i)(a)(ii) of the Essential Commodities Act for violating the West Bengal Rice and Paddy Licensing and Control Order, 1967, and the West Bengal Declaration of Stock and Price of Essential Commodities Order, 1977. Considering a 30-year delay since the incident, he was released on probation under the Probation of Offenders Act, 1958, required to furnish a bond of Rs. 5,000 to maintain peace and good behavior, and to pay a fine of Rs. 5,000 within 6 months.

#### ANIL KUMAR MONDAL VS THE STATE OF WEST BENGAL [CRA/142/1998]

#### Bench: Justice Ananya Bandyopadhyay

Anil Kumar Mondal was convicted under the Essential Commodities Act for operating without a valid trade license and failing to maintain proper records. Evidence of seized articles from his shop supported the prosecution's case, and Mondal did not prove that his shop was closed during the raid. No disagreement or referral to a larger bench was noted in the separate judgment.

#### SMT. BIVA DAS VS THE STATE OF WEST BENGAL [CRA/189/1989]

#### Bench: Justice Ananya Bandyopadhyay

The prosecution did not conclusively prove that Smt. Biva Das purchased the seized rice for trading or selling. The seizure alone, without proper quantification, was insufficient for a conviction under the Essential Commodities Act, 1955. Given the significant time elapsed since the incident, Smt. Das was granted probation under the Probation of Offenders Act, 1958, with a requirement to furnish a bond of Rs. 5,000 and pay a fine of Rs. 5,000 within six months.

#### SAMBHU SHOW VS THE STATE OF WEST BENGAL [CRA/193/1990]

#### Bench: Justice Ananya Bandyopadhyay

Sambhu Show's conviction for violating the West Bengal Kerosene Oil Control Order, 1968 was overturned due to insufficient evidence that the seized oil was kerosene. However, the conviction for violating the West Bengal Imported Vegetable Oil (Prohibition of Unauthorised Sale) Order, 1984 was upheld. Given the 37-year delay since the incident and his continued bail, probation was granted under the Probation of Offenders Act, 1958, despite the minimum sentence outlined in the Essential Commodities Act, 1955.

#### SMT. SUMITRA KUNDU VS THE STATE OF WEST BENGAL [CRA/221/1989]



#### Bench: Justice Ananya Bandyopadhyay

Smt. Sumitra Kundu's conviction under Section 7(i)(a)(ii) of the Essential Commodities Act for violating the West Bengal Rice and Paddy Control Order was overturned due to insufficient evidence proving ownership of the seized rice and the circumstances of the seizure. The case established that the minimum sentence does not preclude the possibility of probation under the Probation of Offenders Act.

#### SRIDILIP KUMAR JANA VS THE STATE OF WEST BENGAL [CRA/245/1989]

#### Bench: Justice Ananya Bandyopadhyay

Dilip Kumar Jana was convicted under Section 7(1)(a)(ii) of the Essential Commodities Act for dealing in rice without a valid license and failing to maintain a required stock cum rate board. The incident occurred in 1988, and he remained on bail during the legal proceedings. He was released on probation under the Probation of Offenders Act, 1958, required to post a bond of Rs. 5,000 for good behavior, and mandated to pay a fine of Rs. 5,000 within six months.

#### RANJIT MITRA VS STATE OF WEST BENGAL [WPA/17723/2016]

#### Bench: Justice Ananya Bandyopadhyay

Ranjit Mitra's writ petition for salary payments from the government-owned Lily Biscuit Company was dismissed. Examination of documentary evidence revealed that he was appointed as a commission agent and distributor, not as an employee. No formal appointment letter was issued, and the documents confirmed his status as a distribution agent working on commission. Consequently, he was not entitled to the relief sought.

## RILA MALA SAREN VS BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD [FMA/592/2025]

#### Bench: Justice Ananya Bandyopadhyay

The appeal by the appellants against the Motor Accident Claims Tribunal judgment was successful, resulting in a modification of the award to include a 25% 'future prospect' in the deceased's monthly income calculation. This change increased the total compensation amount payable to the appellants. The respondent insurance company was directed to deposit the adjusted balance with the Registrar General, to be disbursed to the appellants in equal shares.

## IMAM HOSSAIN @ EMAM HOSSAIN VS THE STATE OF WEST BENGAL [CRA/19/2014]

#### Bench: Justice Ananya Bandyopadhyay

The criminal appeal resulted in the conviction and sentence against the appellant for offenses under Sections 489B and 489C of the Indian Penal Code being set aside. The prosecution was unable to prove the appellant's mens rea necessary for the offenses. Insufficient evidence indicated that the appellant knew the currency notes were counterfeit or intended to use them as genuine. There were inconsistencies in the investigation, notably the absence of independent witnesses, which affected the reliability of police testimonies. Additionally, the procedure for recording the appellant's statement under Section 313 of the Criminal Procedure Code lacked specificity. The outcome led to the acquittal of the appellant.

# REGIONAL PROVIDENT FUND COMMISSIONER, WEST BENGAL VS M/S SONODYNE TELEVISION COMPANY LIMITED [CRA/123/2001]

#### Bench: Justice Ananya Bandyopadhyay

The appeal by the Regional Provident Fund Commissioner against the acquittal of M/s Sonodyne Television Company Limited and its director was dismissed. The lower court's acquittal was based on the fact that disputed provident fund dues were paid before prosecution sanction was granted, rendering the sanction invalid. Payment of dues prior to prosecution does not absolve employers from offenses under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. No interference with the lower court's decision occurred after 30 years, adhering to existing precedents on employer liability.



#### SUKUMAR MONDAL VS THE STATE OF WEST BENGAL [CRA/290/2001]

#### Bench: Justice Ananya Bandyopadhyay

The appeal resulted in the conviction under Section 411 of the Indian Penal Code being set aside due to failure of the prosecution to prove essential elements of the offense, particularly the appellant's knowledge of the stolen property. Discrepancies in witness testimonies regarding the recovery of the earrings and the inadmissibility of the appellant's extrajudicial confession, made under duress, contributed to the conclusion that the prosecution did not meet the standard of proof beyond reasonable doubt.

#### SMT. BITANIA HELA VS THE EASTERN COALFIELDS LTD. [WPA/19240/2016]

#### Bench: Justice Ananya Bandyopadhyay

The writ petition filed by Bitania Hela was dismissed, upholding the rejection of her application under the Coal India Special Female Voluntary Retirement Scheme (SFVRS), 2014, by Eastern Coalfields Ltd. (ECL). The SFVRS scheme is optional, allowing ECL to accept or reject applications. Her son's physical disability and unfitness for underground mining jobs did not meet the scheme's objective of engaging younger, ablebodied sons of female workers. The rejection was deemed justified, not arbitrary or in violation of constitutional rights.

#### TUMPA GHOSH VS M/S. NEW INDIA ASSURANCE CO. LTD. [FMA/1131/2021]

#### Bench: Justice Ananya Bandyopadhyay

The appellants are entitled to a consolidated compensation of Rs. 5,00,000 in a fatal accident case, as per the relevant notification and a Supreme Court decision. The previous calculation by the Motor Accident Claims Tribunal was modified. The respondent insurance company must deposit the balance amount of Rs. 2,07,500 with interest within six weeks.

#### NATIONAL INSURANCE CO. LTD. VS DIPU TARAFDAR [FMA/1395/2024]

#### Bench: Justice Ananya Bandyopadhyay

The appeal by National Insurance Co. Ltd. was dismissed as evidence, including the seizure list, disproved claims regarding the owner's lack of a valid driving license. The decision of the Motor Accident Claims Tribunal was affirmed, and the awarded compensation amount was to be disbursed to the claimants.

#### AMIT BHAKAT VS NATIONAL INSURANCE CO. LTD. [FMA/2224/2016]

#### Bench: Justice Ananya Bandyopadhyay

The appellant in a motor accident claim is entitled to an enhanced compensation of Rs. 5,00,000/- based on a notification from May 22, 2018, and a Supreme Court decision. The judgment of the Motor Accident Claims Tribunal is modified, requiring the insurance company to deposit the balance amount of Rs. 1,83,300/- with interest within six weeks.

#### ICICI LOMBARD GENERAL COMPANY LIMITED VS SHIBANI BOSE [FMA/3209/2016]

#### Bench: Justice Ananya Bandyopadhyay

The insurance company is liable to pay compensation to the claimants as the driver of the vehicle possessed a valid license for light motor vehicles, sufficient for operating a transport vehicle under 7,500 kg gross weight. The compensation amount was modified by recalculating future prospects, personal expenses, and applying the correct multiplier. The insurance company must deposit the enhanced compensation amount for disbursement to the claimants.

# ASHMANTARA BIBI @ ASHMAN TARA BIBI MOLLA @ ASHMANTARA BEWA VS THE NATIONAL INSURANCE COMPANY LTD [FMA/768/2022]

#### Bench: Justice Ananya Bandyopadhyay

The Motor Accident Claims Tribunal's award was upheld with modifications. The deceased victim's higher annual income, as documented in Ext. 29, was acknowledged. Since the victim's father passed away



during the case, the deduction for personal expenses was adjusted to 1/3rd instead of 1/4th. A multiplier of 14 was applied, and general damages awarded by the tribunal were included in the total compensation. The insurance company was directed to deposit the balance compensation amount within six weeks.

# FIROJA BEGUM VS NATIONAL INSURANCE COMPANY LTD. [FMA/893/2023] Bench: Justice Ananya Bandyopadhyay

The appeal by the claimants against the Motor Accident Claims Tribunal's award resulted in a revision of the victim's annual income from Rs. 1,83,250/- to Rs. 2,28,394/-, as the deduction of Rs. 45,144/- for personal expenses was deemed erroneous. The revised award amount, considering a 1/3rd deduction for personal expenses, a 25% addition for future prospects, and a multiplier of 13, totaled Rs. 25,51,277/-. The claimants had already withdrawn Rs. 20,82,250/-, leaving Rs. 4,69,027/- plus 6% interest per annum to be paid by the insurance company.



#### NIRMAL KUMAR GHOSH VS CENTRAL RESERVE POLICE FORCE [WPA/7825/2025]

#### Bench: Justice Aniruddha Roy

The terminal benefits of a retired CRPF employee are designated for him and his nominated successors. The employer must include the second petitioner as a nominee in the retiree's service record and allow the retiree to apply for his two daughters to be added as nominees. Prior to disbursing benefits, the employer must obtain affidavits from all nominees and will not be liable for future claims.



#### SMT. SUSHMA CHAKRABORTY VS SMT. MALATHY ROY CHOUDHARY [SAT/5/2023]

#### Bench: Justice Apurba Sinha Ray

Two substantial questions of law were addressed in the appeals: whether the dismissal of a suit for declaration of right, title, and interest based solely on the existence of a valid will was justified, and whether a grant of probate affects the rights of a property to which the testator had no title. The court determined that the attestation requirements of the Indian Succession Act had been satisfactorily met, with evidence supporting the validity of the will and the testator's sound mind. Additionally, it was noted that probate proceedings are not mandatory in the Andaman & Nicobar Islands. The appeals were dismissed, upholding the lower court's decision in favor of the defendant-respondent.

#### SMT. SHEPHALI DAS VS SMT. SABITA DAS [SAT/3/2023]

#### Bench: Justice Apurba Sinha Ray

The trial and appellate courts did not adequately address the issue of limitation raised by the appellants. The plaintiffs had waived their rights to the property through their actions, having been aware of the property's mutation in favor of Motilal Das in 1985 without raising objections. Plaintiff No. 1 accepted a power of attorney from Motilal Das, indicating recognition of his rights. Consequently, the suit filed by the plaintiffs in 2000 was deemed barred by limitation.

#### SOMENATH BANERJEE VS THE STATE OF WEST BENGAL [CRM (DB)/62/2025]

#### Bench: Justice Arijit Banerjee, Justice Apurba Sinha Ray

The police failed to inform Somnath Banerjee of the grounds for his arrest in writing, violating his constitutional rights under Article 22(1). As a result, bail was granted to the petitioner on certain conditions, despite opposition from the state.



#### KAUSIK BANIK VS THE STATE OF WEST BENGAL [CRM(A)/223/2025]

#### Bench: Justice Arijit Banerjee

Anticipatory bail was granted to a petitioner accused of forging his uncle's signature on multiple bail bonds. Considerations included the petitioner's cooperation with the investigation, the possibility of the accusation stemming from a civil dispute, and the lack of risk of absconding. Conditions for bail included furnishing a bond, regular reporting to the investigating officer, and restrictions on leaving the state.

# SMT. NABANITA MALAKAR VS INDIAN OIL CORPORATION LIMITED [MAT/109/2024] Bench: Justice Arijit Banerjee, Justice Biswaroop Chowdhury

The appellant's writ petition against the termination of her dealership with Indian Oil Corporation Limited was deemed not maintainable due to an existing arbitration clause in the dealership agreement. There were disputed facts regarding the appellant's control over the retail outlet at the time of the alleged tampering with a dispensing unit, making the writ court inappropriate for resolving such disputes. The appellant was directed to pursue arbitration as stated in the agreement, with no errors identified in the decision to dismiss the writ petition based on the availability of an alternative remedy through arbitration.

## ZOMANGAIH @ ZOHMANGAIHA VS STATE OF WEST BENGAL [CRA(DB)/16/2025]

#### Bench: Justice Arijit Banerjee, Justice Biswaroop Chowdhury

The 12-year sentence of appellant Zomangaih was suspended, and he was granted bail. The evidence did not support a conviction for attempted rape but could sustain a charge of aggravated sexual assault under the POCSO Act, with a maximum sentence of 7 years. Considering Zomangaih's over 2 years of incarceration and the unlikely timely hearing of the appeal, the matter was deemed not completely devoid of merits, leading to the suspension of the sentence until the final disposal of the appeal.



#### SHRI TRIBHUWAN SINGH VS THE STATE OF WEST BENGAL [CRR/29/2025]

#### Bench: Justice Bibhas Ranjan De

The criminal revision petition filed by Tribhuwan Singh was allowed, quashing the criminal proceedings against him in G.R. Case no. 3274 of 2023. The allegations were deemed general and lacked specific evidence linking him to the offense, with no incriminating evidence or witness statements implicating him. Continuing the proceedings against him was considered an abuse of the process of law. The case will proceed against the other accused.

#### SRI MITHU ADHIKARY VS THE STATE OF WEST BENGAL [CRR/45/2025]

#### Bench: Justice Bibhas Ranjan De

The petitioner and the defacto complainant were both married when they engaged in a consensual intimate relationship. The defacto complainant was aware of the petitioner's marital status, and there was no indication that the relationship was based on a false promise of marriage. The FIR and criminal proceedings against the petitioner were quashed due to the absence of culpable mentality and clandestine motives.

#### SRI NEPAL ROY VS THE STATE OF WEST BENGAL [CRR/100/2025]

#### Bench: Justice Bibhas Ranjan De

The criminal revision application by Sri Nepal Roy was dismissed, as the final investigation report indicated that his brother's death was caused by injuries sustained while operating an autorickshaw in an inebriated state, rather than a motorcycle accident as initially claimed. The evidence from the investigation contradicted the initial complaint, and the Chief Judicial Magistrate's acceptance of the investigation report was deemed appropriate.

#### BIMBADHAR MOHAKUD VS BINA SHAH [CRR/268/2024]

#### Bench: Justice Bibhas Ranjan De

The revision application by Bimbadhar Mohakud and another was successful, leading to the quashing of proceedings in Miscellaneous Execution Case No. 55 of 2024. The main criminal case had already been stayed, which meant the trial court judge did not have the authority to initiate contempt proceedings in the related miscellaneous case. Additionally, the judge's orders lacked proper legal basis and should have been referred to the higher authority instead of taking direct contempt action.

## SRI INDRA CHAND AGARWAL VS THE STATE OF WEST BENGAL [CRR/295/2024]

#### Bench: Justice Bibhas Ranjan De

The revision application by Sri Indra Chand Agarwal and another resulted in the quashing of criminal proceedings under Sections 406/409/420/120B of the Indian Penal Code. An amicable settlement was reached between the petitioners and the opposite parties, facilitating the withdrawal of a complaint related to non-payment of gratuity and supporting the withdrawal of criminal allegations. The resolution of disputes in commercial, financial, or family matters allows for quashing of proceedings, particularly when the offences are compoundable.

#### MANOJ KUMAR SARKAR VS THE STATE OF WEST BENGAL [CRR/480/2024]

#### Bench: Justice Bibhas Ranjan De

The criminal proceedings against a government official charged under various sections of the Indian Penal Code were quashed. The official, acting as a Revenue Officer, was deemed to be acting in good faith while performing his duties and received statutory protection under the West Bengal Land Reforms Act. The complainant had other statutory remedies to challenge the official's order but chose criminal prosecution, which was not sustainable due to the protections afforded to public officials acting in good faith.



# P & P BUSINESS PRIVATE LIMITED VS MARCO FRANCESCO SHOES (INDIA) PRIVATE LIMITED [CO/140/2023] Bench: Justice Bibhas Ranjan De

The arbitrator can fix his own remuneration in consultation with the parties, without strictly following the Fourth Schedule of the Arbitration and Conciliation Act, 1996. The arbitrator may suspend or terminate a party's counter-claim for non-payment of his remuneration. A petitioner cannot file a revision application under Article 227 of the Constitution to challenge the arbitrator's remuneration order, as it is not an appealable order under Section 37(2) of the Act. The appropriate action is to challenge the final arbitral award under Section 34 of the Act.

#### SRI ARUN KUMAR JINDAL VS SMT. RAJNI PODDAR [CO/441/2023]

#### Bench: Justice Bibhas Ranjan De

The revision application by the petitioners was dismissed, upholding the order that rejected their objection to the execution of an arbitral award. The petitioners were unable to challenge the appointment of the arbitrator or the existence of the arbitration agreement at the execution stage, as these issues should have been addressed earlier under the Arbitration and Conciliation Act, 1996. Additionally, the withdrawal of the initial execution case and the subsequent filing of a fresh one did not affect the limitation period, as time spent in a proceeding before a court lacking jurisdiction is excluded under Section 14 of the Limitation Act.

#### SMT. RUMA BANERJEE VS MINOTI MUKHERJEE [CO/3976/2024]

#### Bench: Justice Bibhas Ranjan De

The amendment application by the defendants was allowed to incorporate facts related to an agreement for sale and their possession of the disputed property under Section 53A of the Transfer of Property Act. The amendment was deemed necessary for resolving the partition suit, as the parties were co-sharers and their shares needed to be clarified through trial. The limitation period under Article 54 of the Limitation Act did not bar the amendment due to the absence of a specific mention of the right to sue's accrual. The order rejecting the amendment application was set aside, and the defendants were directed to file the amended written statement with costs.

#### M/S DIGITAL VISION VS UNION OF INDIA [CRR/33/2024]

#### Bench: Justice Bibhas Ranjan De

Proceedings against M/S Digital Vision & Others in Complaint Case No. 12 of 2023 under the Drugs and Cosmetics Act were quashed due to a lack of clarity regarding their role in manufacturing substandard drugs. The complaint failed to adequately establish vicarious liability, as necessary averments were not present. The responsibility under the Act primarily lies with competent technical persons and authorized managers, and the petitioners' obligations would arise only if the allegations were properly substantiated, which was not the case. Proceedings against other accused persons named in the complaint may continue.



#### SMT. KANANBALA THOKDAR VS THE STATE OF WEST BENGAL [WPA/29166/2022]

#### Bench: Justice Biswajit Basu

Retiral benefits of a deceased teacher cannot be withheld due to alleged misappropriation of â,14 lakh from school funds, as no disciplinary proceedings were initiated and charges were unproven before his death. Pension sanctioning authorities lack the grounds to withhold or reduce pensions based on alleged misconduct since retiral benefits are the exclusive property of the incumbent. The respondents are directed to issue a "no-liability" certificate and disburse the teacher's retiral benefits, including family pension, to the petitioners. The state retains the right to recover the alleged misappropriated amount from the petitioners legally.



#### SANTOSH KUMAR SAH VS UNION OF INDIA [CRM(R)/13/2025]

#### **Bench: Justice Biswaroop Chowdhury**

Santosh Kumar Sah was granted bail in relation to a criminal complaint under the CGST Act for allegedly fraudulently availing Input Tax Credit of Rs. 37.29 crores without receipt of goods. Evidence showed that the goods were physically present in his stock, with matching batch numbers on invoices, and he cooperated with authorities. The decision emphasized the importance of considering all relevant documents and allowing the accused to be heard to protect reputations. Bail was granted due to the nature of the offense, the investigation stage, and no need for further detention, subject to certain conditions.

#### MD. ALOMGIR HOSSAIN VS THE STATE OF WEST BENGAL [CRM(DB)/174/2025]

#### **Bench: Justice Biswaroop Chowdhury**

Md. Alomgir Hossain, a Bangladeshi national, was granted bail after being charged under Section 14A of the Foreigners Act for attempting to enter India without valid documents at the Nepal border. The assessment concluded that the Foreigners Act does not penalize attempted illegal entry. Bail was granted with strict conditions, including applying for a valid visa, providing contact details to authorities, and regular police reporting.

#### SHAISTA HANIF @ GOURI DEY VS STATE OF WEST BENGAL [CRM(R)/4/2025]

#### **Bench: Justice Biswaroop Chowdhury**

Shaista Hanif @ Gouri Dey applied for bail after being charged under Section 14A of the Foreigners Act 1946 for entering India without valid documents. She claimed Indian citizenship by birth, but the issue of citizenship falls under the Central Government's jurisdiction per the Citizenship Act 1955. The petitioner approached authorities at the border rather than entering clandestinely, which was viewed as a bona fide act. Considering her lengthy detention of over 1.5 years and personal circumstances, including age and having a child in custody, bail was granted with conditions. These included not leaving the jurisdiction of the Siliguri Court without permission, notifying authorities of her contact details, and applying for a valid visa. The decision emphasized the importance of personal liberty as a fundamental right.

#### SRI KALLOL DAS VS SMT. SIPRA BOSE [CO/1397/2024]

#### **Bench: Justice Biswaroop Chowdhury**

A stay of execution proceedings in Title Execution Case No. 7 of 2023 was granted pending the resolution of an application by judgment debtor Smt. Sipra Bose to set aside an ex-parte decree. The application was based on her inability to appear in court due to sufficient cause, which will require a decision after hearing both parties. Concerns regarding the application being barred by limitation were addressed, indicating that the judgment debtor may explain the delay within the application, negating the need for a separate request for condonation. The stay was modified to eight weeks, with instructions for parties to file objections and replies, and an expedited decision on the delay issue.



# THE PEERLESS GENERAL FINANCE & INVESTMENT CO. LTD VS UCO BANK [CS-COM/769/2024] ☑ Bench: Justice Bivas Pattanayak

UCO Bank is not obligated to pay Peerless General Finance & Investment Co. Ltd. the amount of uncashed manager's cheques, as the funds belong to the beneficiaries (certificate holders) who did not encash the cheques. The bank's obligation lies with the beneficiaries, not the purchaser. The argument of unjust enrichment was rejected, as per RBI guidelines, unclaimed amounts are to be transferred to the Depositor Education and Awareness Fund, which does not constitute unjust enrichment. Precedents cited by the plaintiff were deemed inapplicable to this case. The suit was dismissed, but the plaintiff may withdraw the previously deposited amount.



#### SEKHAR SHARMA VS STATE OF WEST BENGAL [CRR/818/2015]

#### Bench: Justice Chaitali Chatterjee Das

Criminal proceedings under Section 420 of the Indian Penal Code against the petitioner were quashed due to the absence of essential elements such as deception, dishonest inducement, and fraudulent intention. The matter was deemed a civil issue related to breach of contract, rendering criminal action unjustified. Additionally, the omission of the company as an accused party was identified as a significant flaw in the proceedings.

#### SAMAR DEBANGSI VS STATE OF WEST BENGAL [CRA/325/2006]

#### Bench: Justice Chaitali Chatterjee Das

The Court upheld the conviction and sentencing of the appellant under Sections 354 and 376/511 of the Indian Penal Code, while also issuing orders to set off the period of detention already undergone by him during investigation and trial. Despite some inconsistencies in the victim's testimony, the court found that corroborative evidence from other prosecution witnesses, the injury report, and surrounding circumstances provided sufficient assurance of the victim's account. The judgment emphasized that in sexual offense cases, a victim's testimony can serve as the sole basis for conviction if credible, and that mere discrepancies or delays in lodging complaints do not necessarily undermine the prosecution's case, as the evidence successfully established all elements of the charges of outraging the modesty of a woman and attempt to commit rape

#### JAHURUL JAMADAR VS STATE OF WEST BENGAL [CRA/197/2006]

#### Bench: Justice Chaitali Chatterjee Das

The criminal appeal of Jahurul Jamadar under Section 25(1)(a) of the Arms Act was allowed, and his conviction and sentence were set aside. The prosecution failed to prove the case beyond reasonable doubt due to inconsistencies and gaps in the evidence, with several prosecution witnesses turning hostile. The seized arms and ammunition lacked the signatures of the accused or the investigating officer, raising doubts about their recovery. Additionally, the investigating officer and other witnesses could not clearly identify Jamadar or connect him to the recovered items, leading to the extension of the benefit of doubt.

## GUNJAN SINHA @ KANISHK SINHA VS UNION OF INDIA [MAT/903/2024]

Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-court appeal was dismissed, upholding the constitutional validity of Section 53 of the Patent Act, 1970. Section 53, concerning patent term, and Section 11A(7), which grants certain rights to applicants during the application publication and patent grant period, operate independently without conflict. The issue of compensation or patent term extension due to examination delays is a legislative matter. No merit was found in the challenge to Section 53's validity.



#### UNION OF INDIA VS SHRI BACHAN PANDEY [RVW/376/2024]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The review application by the Deputy Registrar of the Central Administrative Tribunal was allowed, leading to the recall of the previous order from November 11, 2024. A single administrative member can hear and decide on original applications if they fall within specified classes outlined by the Chairman and do not require constitutional interpretation. The present case, involving a challenge to a minor penalty from a disciplinary proceeding, met these criteria. The review application was deemed maintainable despite the Deputy Registrar not being a party to the original proceedings, as the prior order could impact the Chairman's authority to assign cases to a single member bench.

#### DINESH DUTTA VS STATE OF WEST BENGAL [CRA (DB)/26/2022]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The appellant's conviction and sentence under Sections 420, 467, 468, 471, and 201 of the Indian Penal Code were upheld due to conclusive evidence of forgery and fraud from witnesses, including bank officials and experts. The request to compound the charges by paying the remaining amount was rejected since the offenses are non-compoundable. No grounds were identified to disturb the judgment of conviction and sentence.

#### TAPAS BISWAS VS STATE OF WEST BENGAL [CRA (DB)/44/2022]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The appellant was convicted of murder and rape under the Indian Penal Code. The conviction was based on the 'last seen together' theory, supported by testimonies from the appellant's wife, father-in-law, and a rickshaw puller. Arguments presented by the appellant were rejected, and the evidence established the charges beyond reasonable doubt. In a related case, the co-accused was acquitted.

## SATISH VISHANJI FUTNANI VS ARUL MADHUSUDHAN FUTNANI [CC/57/2012]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

Respondents were found guilty of contempt for violating a June 17, 2004 order that appointed joint receivers over certain immovable properties. Arguments regarding the property not being part of the original suit or lack of jurisdiction were rejected. Claims of purging contempt were deemed unsubstantiated due to willful and repeated violations of the order. Respondent nos. 1, 3, and 4 received 10 days of civil imprisonment and a fine of Rs. 2,000 each, with no suspension of sentences due to the serious nature of their actions. Previous contempt petitions involving some respondents were acknowledged.

#### M/S. TRINCAS VS APEEJAY SURRENDRA PARK HOTELS LIMITED [WPLRT/41/2025]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The order of the West Bengal Land Reforms and Tenancy Tribunal was upheld, which remanded the landlord's application under Section 17 of the West Bengal Premises Tenancy Act, 1997 to the Rent Controller for determination of fair rent. It was clarified that the Rent Controller's jurisdiction to decide fair rent is not limited to tenant applications; landlords can also seek fixation of fair rent despite existing agreements. The writ petition filed by the tenants was dismissed, and compliance with the Tribunal's order was extended by four months.

## THE STATE OF WEST BENGAL & ORS. VS MEDIVIEW DIAGNOSTIC SERVICES PRIVATE LIMITED & ORS. [MAT/421/2024]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The initial allotment of land to the writ petitioners was validly canceled as previously determined in a Public Interest Litigation. The subsequent application for allotment, evaluated by the Estate Manager, lacked public advertisement, violating Articles 14 and 16 of the Constitution. The Estate Manager possessed the authority to reject the writ petitioners' application under the relevant Act. This matter is treated as an



individual case rather than a batch case.

#### ARUN KUMAR KUNDU VS THE STATE OF WEST BENGAL [WPLRT/89/2024]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The writ petition challenging the order of the West Bengal Land Reforms and Tenancy Tribunal was dismissed due to the petitioner's suppression of facts and fraudulent conduct by selling vested properties to third parties without including them in the proceedings. There was no basis for interference with the Tribunal's order, emphasizing that assistance will not be provided to those who do not act with integrity.

#### NIRANJAN MONDAL VS THE STATE OF WEST BENGAL [DR/3/2024]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

Niranjan Mondal's murder conviction was upheld based on eyewitness testimonies and the post-mortem report. The death penalty was commuted to life imprisonment, as the incident did not qualify as "rarest of rare."

#### SHOAIB AHMED VS THE STATE OF WEST BENGAL [MAT/860/2024]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The appeal by writ petitioner Shoaib Ahmed was dismissed, as the issues had been previously resolved in two earlier litigations. The petitioner was a member of a cooperative society that sought the same relief before, making his claims subject to res judicata. Additionally, the petitioner was found to have suppressed material facts. The dismissal applied to a batch of matters, which included four writ petitions.

#### SMT. RAJYASHREE MUKHERJEE VS THE STATE OF WEST BENGAL [WPLRT/58/2025]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The West Bengal Land Reforms and Tenancy Tribunal erred in dismissing the petitioner's application for condonation of delay in filing an original application regarding the Thika Controller's order from April 15, 2012. The petitioner was unaware of the order until May 4, 2015, and subsequently acted swiftly to seek remedy. Sufficient explanations for the delay were provided, leading to the setting aside of the Tribunal's orders rejecting the application. The petitioner's application for condonation of delay was allowed, and the Tribunal was directed to hear the original application on its merits.

#### SUFIAR RAHAMAN SEIKH VS STATE OF WEST BENGAL [WPLRT/4/2025]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The West Bengal Land Reforms and Tenancy Tribunal dismissed the petitioner's application, stating that plot no. 1063 had ceased to exist. The High Court found this decision erroneous and directed the Block Land & Land Reforms Officer to reconsider the application in accordance with the law, ensuring all parties are given a reasonable opportunity to be heard. The judges did not address the merits of the status of the plot.

#### GULJAR HUSSAIN @ CHIKU VS THE STATE OF WEST BENGAL [CRA (DB)/199/2023]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The conviction and sentence of the appellant under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985, were set aside due to the improper introduction of the Chemical Examination Report as evidence, which violated due process under Sections 293 and 294 of the Criminal Procedure Code. The case was remanded for a new trial from the point of introducing the report, and bail was granted to the appellant based on lengthy incarceration and the need for proper legal procedure.



#### JAGAT SINGH MANOT VS THE MUNICIPAL COMMISSIONER [WPO/503/2024]

#### **Bench: Justice Gaurang Kanth**

Arbitral awards cancelling the deed of exchange dated 26.03.2012 are judgments in personam and not binding on municipal authorities that were not parties to the arbitration. The deed of exchange is a valid legal document that can only be cancelled under the Specific Relief Act, and the arbitral tribunal lacked jurisdiction to do so. Therefore, the writ petition seeking de-amalgamation of the property based on these awards was dismissed.



# SHEKHAR KUMAR @ SHEKHAR BAGARIA VS THE STATE OF WEST BENGAL [WPA/594/2025] Bench: Justice Hiranmay Bhattacharyya

The High Court of Calcutta set aside penalty orders imposed on the petitioner under the West Bengal Goods and Service Tax Act, 2017. The person in charge of the conveyance was required to carry a physical copy of the tax invoice, which was not met as there was no electronic display claimed. Deviation from the route in the e-way bill alone did not indicate an intention to evade taxes. With no disputes regarding the quantity or quality of goods and no established intention to evade taxes, the penalty orders were invalidated, allowing the petitioner to seek a refund for the penalty paid.

# ARUN KUMAR BOSE VS INCOME TAX OFFICER, WARD-1(1), SILIGURI [WPA/640/2025] Bench: Justice Hiranmay Bhattacharyya

The Income Tax Officer's revised order from February 7, 2025, which increased the tax liability, was invalid due to lack of statutory notice and opportunity for the assessee to be heard as required by Section 154(3) of the Income Tax Act. The Appellate Tribunal's previous order, which deleted the additions made by the Assessing Officer, should have remained effective. The revised order was set aside, and the original favorable order from January 3, 2024, was reinstated.



#### RUMA TOKDAR VS UNION OF INDIA [WPA/8832/2015]

#### **Bench: Justice Jay Sengupta**

The writ petition filed by Ruma Tokdar was dismissed, challenging the decision to strike her name from the panel of successful candidates for an LPG Distributorship. The petitioner was deemed ineligible for the full 25 marks for infrastructure capability because the land offered did not meet the specified dimensions. A claimed family settlement regarding the land was considered invalid as it required registration, which occurred after the application date. The authorities' re-evaluation of her marks led to her exclusion from the top 3 candidates, and the decision was upheld as lacking infirmity.

#### NIMAI RATAN GHOSH VS STATE OF WEST BENGAL [CRR/3716/2024]

#### Bench: Justice Jay Sengupta

The examination of the accused under Section 313 of the Code of Criminal Procedure must occur after the completion of the examination of prosecution witnesses. In this case, the BDO failed to appear to produce required documents after the Investigating Officer's death. The prior order for the accused's examination was set aside, and the BDO's appearance with the relevant documents was mandated before scheduling the accused's examination.

#### RANJIT SINGH @ RANJEET SINGH VS STATE OF WEST BENGAL [CRR/1455/2025]

#### Bench: Justice Jay Sengupta

In a criminal case under Section 302 of the Indian Penal Code, an accused listed as an absconder and having had anticipatory bail rejected can have an arrest warrant issued directly without a prior summons. The distinction was made between the present case and a cited Supreme Court decision related to the PMLA Act, which was deemed inapplicable.

#### SUPARNA DAS SARKAR VS THE STATE OF WEST BENGAL [WPA/6742/2025]

#### Bench: Justice Jay Sengupta

The respondent authorities are directed to release the House Rent Allowance (HRA), including both current payments and arrears, to the petitioner, an approved Assistant Teacher at Kinkarbati Agricultural Institution (H.S.). A prior decision had quashed the government memorandum responsible for halting the HRA, and similar relief was granted to another individual in a comparable situation. The HRA payment is contingent upon the outcome of a pending appeal by the State government regarding the earlier ruling.

#### ANUP KUMAR SINGH VS UNION OF INDIA [WPA/4585/2023]

#### **Bench: Justice Jay Sengupta**

The provisions of the Insolvency and Bankruptcy Code (IBC) override those of the Foreign Exchange Management Act (FEMA), with the moratorium under Section 33(5) of the IBC preventing the Enforcement Directorate from taking action against the assets of Shree Ganesh Jewellery House (I) Pvt. Ltd., which is in liquidation. The non-obstante clause in Section 238 of the IBC supports its supremacy over other statutes. The provisional seizure order and notices issued by the Enforcement Directorate under FEMA were quashed, although proceedings can be initiated against former directors and officers of the corporate debtor if found individually liable.

# PARAMITA GUHA @ PARAMITA GUHA KUNDU VS THE STATE OF WEST BENGAL [WPA/5317/2025] ☑ Bench: Justice Jay Sengupta

The petitioner, an approved Assistant Teacher, is entitled to receive House Rent Allowance (HRA) along with arrears from March 2021, with 6% interest per annum. A previous judgment quashed the government memorandum that stopped the HRA payments, and no differing view was taken in this similar case. The respondent authorities are directed to make the payments within six weeks, pending the outcome of an ongoing appeal.



# KOYEL CHAKRABORTY @ KOYEL CHAKRABORTY RAY VS THE STATE OF WEST BENGAL [WPA/6766/2025] & Bench: Justice Jay Sengupta

The petitioner, an approved Assistant Teacher, is entitled to the release of her House Rent Allowance (HRA), both current and arrears, despite a 2018 government memorandum that halted payments. A previous ruling had already quashed the memorandum, and while an appeal against that decision is pending, the authorities are directed to release the HRA along with interest on the arrears, subject to the outcome of the ongoing appeal.

## PAYEL MALLICK VS THE STATE OF WEST BENGAL [WPA/6768/2025]

#### Bench: Justice Jay Sengupta

The petitioner, an approved assistant teacher, is entitled to the release of her House Rent Allowance (HRA), both current and arrears since March 2021, along with interest at 6% per annum. This entitlement is based on a prior judgment that invalidated the government memorandum used to deny her HRA. Despite an appeal from the state government against the earlier judgment, no stay order was issued, and the circumstances in this case are similar.

#### MOUMITA GHOSH VS THE STATE OF WEST BENGAL [WPA/6772/2025] ☑

#### Bench: Justice Jay Sengupta

The petitioner, an approved assistant teacher, is entitled to receive house rent allowance (HRA) for both current payments and arrears since March 2021, along with interest at 6% per annum. A previous judgment quashed the government memorandum used to stop HRA payments, and no stay order was in place despite a pending appeal. Authorities are directed to make the payments within six weeks, contingent on the appeal's outcome.

#### PROSENJIT BAPARI VS THE STATE OF WEST BENGAL [CRR/1494/2025]

#### Bench: Justice Jay Sengupta

Prosenjit Bapari challenged the order of the Additional Sessions Judge regarding the cross-examination of witness PW11. The court recognized that PW11 and CSW4 are both alleged eye-witnesses and agreed to defer the cross-examination of PW11 until after CSW4's examination, prioritizing fairness and the interest of justice. The previous order was set aside to facilitate this change.

#### ABHIJIT KUNDU VS THE STATE OF WEST BENGAL [CRR/1513/2025]

#### Bench: Justice Jay Sengupta

A prima facie case exists under Section 498A of the Indian Penal Code against the husband, while the charge cannot be applied to the second petitioner, who is not a relative. The charge under Section 325 for grievous hurt was quashed due to the absence of evidence of grievous injury in the injury certificate. The request to quash the remaining charges was rejected, with other issues deemed matters of fact for the trial court to resolve.

#### KANTA BANDYOPADHYAY VS THE STATE OF WEST BENGAL [WPA/6926/2025]

#### Bench: Justice Jay Sengupta

The petitioner, a retired Headmistress, is entitled to receive her House Rent Allowance (HRA), both current and in arrears, due to a previous court decision that invalidated the government memorandum denying the HRA. Authorities must release the HRA with interest at 6% per annum within six weeks, subject to the outcome of the government's pending appeal against the previous decision.

#### MANDIRA KARMAKAR VS THE STATE OF WEST BENGAL [WPA/7467/2025]

#### **Bench: Justice Jay Sengupta**

The petitioner, an approved assistant teacher, is entitled to receive House Rent Allowance (HRA), both current and in arrears, along with 6% interest. This entitlement is based on a previous judgment that



quashed the government memorandum denying the HRA, despite a pending appeal without a stay. Authorities are directed to release the HRA within six weeks, subject to the appeal's outcome.

#### MADHURIMA BHATTACHARYYA VS THE STATE OF WEST BENGAL [WPA/7470/2025]

#### Bench: Justice Jay Sengupta

Madhurima Bhattacharyya, an approved Assistant Teacher at Amtala Matiram High School, is entitled to receive her House Rent Allowance (HRA) for both current and arrears, along with interest at 6% per annum from the date it became payable. This entitlement is based on a prior judgment that quashed a government memorandum halting HRA payments, despite an ongoing appeal without a stay order. The concerned authorities must release the HRA to the petitioner within six weeks, pending the outcome of the appeal.

# PRIYANKA NANDI @ PRIYANKA NANDI GHOSH VS THE STATE OF WEST BENGAL [WPA/7472/2025] Bench: Justice Jay Sengupta

The case involved the release of House Rent Allowance (HRA) and its arrears to an approved Assistant Teacher, along with interest at 6% per annum. A previous judgment had quashed the government memorandum that denied the HRA, with the government's appeal pending but without a stay. Similar relief was previously granted to another individual, leading to the decision that there were no grounds to differ in this instance. Payment of HRA is subject to the outcome of the pending appeal.

## SMT. SIMMY GOSWAMI VS THE STATE OF WEST BENGAL [WPA/7475/2025]

#### Bench: Justice Jay Sengupta

Smt. Simmy Goswami, an approved Assistant Teacher at Boinchee Binapani Balika Vidyalaya, was directed to receive both current and arrears of House Rent Allowance (HRA). This decision was based on a prior ruling that annulled the memorandum halting the HRA payments. Although an appeal against that ruling was pending without a stay order, the decision reaffirmed the earlier finding. HRA payments were to include 6% interest per annum, contingent upon the outcome of the pending appeal, and no affidavits were required, meaning allegations in the writ petition were not considered admitted.



#### PUNIT RAJGARIA VS NAINAA AGARWAL [CS/10/2024]

#### Bench: Justice Krishna Rao

The suit filed by Punit Rajgaria against Naina Agarwal was dismissed due to lack of jurisdiction. The marriage was solemnized under the Special Marriage Act, 1954, outside the jurisdiction of the Calcutta High Court, and neither party resided within that jurisdiction at the time of filing. The appropriate jurisdiction lies with the district court where the marriage took place or where the parties last resided together. The dismissal was based solely on maintainability and does not prevent the plaintiff from seeking the matter in the correct court.

#### SURENDRA AGARWALA VS INDIRA GUPTA [CS/128/2016]

#### Bench: Justice Krishna Rao

The plaintiff is entitled to a preliminary decree for partition of joint family properties, including a 12.5% share in the Jalan Industrial Complex, 1/9th share in the Jaipur showroom, 1/2 share in the West Memari property, and 1/9th share in the Bibek Park property. A receiver was not appointed to inventory ornaments in bank lockers due to an existing report and no evidence of misappropriation by the defendants. Defendant nos. 2 and 7 are required to submit statements of account for their Demat accounts every six months until the disposal of the suit.

## UCB PHARMA GMBH VS THE CONTROLLER OF PATENTS AND DESIGNS [IPDPTA/117/2023] ☑

#### Bench: Justice Krishna Rao

The Deputy Controller of Patents and Designs improperly refused a patent for the invention "Polyvinylpyrrolidone for the Stabilization of a Solid Dispersion of the Non-crystalline Form of Rotigotine." The introduction of two new prior art documents during the hearing, without allowing the appellant to respond, violated principles of natural justice. It was also noted that amendments to applications require re-examination and a fresh report, which was not followed. Delays in the examination process were deemed unacceptable. The impugned order was set aside and the matter remanded for fresh consideration, permitting the appellant to respond to the new documents. A different competent officer must make the decision within six months.

#### MAHESH THAKUR VS OM PRAKASH BHARTIA [CS-COM/568/2024] ☑

#### Bench: Justice Krishna Rao

The plaintiff established a case for waiving the pre-institution mediation requirement under Section 12A of the Commercial Courts Act, 2015. The plaintiff detailed allegations of fraud by the defendant directors, threats of dispossession, and efforts to secure construction clearances on disputed property. Arguments from the defendants regarding delays in filing the suit were dismissed, as the plaintiff had previously initiated a suit before withdrawing it with permission to refile as a commercial matter. The allegations indicated an urgent need for interim relief, justifying the waiver of mediation. The application from the defendants to revoke the leave granted under Section 12A was dismissed.

## M/S. B.B.M. ENTERPRISES VS STATE OF WEST BENGAL [CS-COM/20/2024] ☑

#### Bench: Justice Krishna Rao

The plaintiff is entitled to an additional payment of Rs. 12,12,047 for extra work executed due to the defendant's arbitrary reduction of measurements in the measurement book without proper notice. The defendant fraudulently modified a receipt to indicate payment was "in full and final settlement" when the plaintiff only received partial payment. Claims for damages and business loss were rejected for lack of evidence. The defendant must pay the additional amount owed plus 9% interest from the date of filing the suit.

# GOODFAITH HOLDINGS PRIVATE LIMITED VS M/S. SUPREME WOOD PRODUCTS PRIVATE LIMITED [CS-COM/312/2024]☑



#### Bench: Justice Krishna Rao

The requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015 is mandatory unless a plaintiff seeks urgent interim relief. In this case, the nature and subject matter of the suit, along with the plaintiff's claim for urgency, were assessed, revealing that the urgency was not genuine. The earlier order allowing the plaintiff to bypass the mediation requirement was revoked, as the suit did not involve any genuine urgent interim relief.

# M/S. ANUBANDH FINANCIAL SERVICES PRIVATE LIMITED VS M/S. AMIT VANIJYA PVT. LTD. [CS-COM/717/2024]

#### Bench: Justice Krishna Rao

The defendants' application to reject the plaintiff's plaint was dismissed. The plaintiff's case involved transactions entirely within the jurisdiction of the High Court, despite the defendant company's registered office being outside that jurisdiction. It was noted that Clause 12 of the Letters Patent, 1865 permits jurisdiction when a defendant conducts business within the court's area. The plaintiff was not required to obtain leave under Clause 12, as the cause of action arose wholly within the court's jurisdiction.

#### NEW LIFE LABORATORIES PRIVATE LIMITED VS NLCARE PRIVATE LIMITED [IP-COM/22/2024] ☑

#### Bench: Justice Krishna Rao

New Life Laboratories Private Limited did not establish a prima facie case for an interim injunction against NLCARE Private Limited regarding the use of the "NEW LIFE" mark. The mark was originally adopted and used by the family of Dr. Idrees, with various family members using it in their businesses for decades. When different branches of a family use a common name, one branch cannot claim exclusive rights. Goodwill and reputation associated with the trademark benefit all family members unless a specific exclusion exists. Additionally, material facts were suppressed by the plaintiff, including previous proceedings in which interim relief was denied. The interim order favoring the plaintiff was vacated.

## ITC LIMITED VS THE CONTROLLER OF PATENTS, DESIGNS & TRADEMARK [IPDPTA/121/2023]

#### Bench: Justice Krishna Rao

The Controller of Patents and Designs rejected ITC Limited's patent application for "A Device and method for generating and delivery of a Nicotine Aerosol to a user," citing reliance on new documents without allowing the applicant to respond, breaching natural justice principles. The invention, which does not use electrical or electronic components, is not classified as an e-cigarette or electronic nicotine delivery system. Legal restrictions on commercial exploitation do not constitute grounds for denying the patent under Section 3(b) of the Patents Act. The Controller's order was set aside, and the matter was remanded for fresh consideration by a different officer within six months.



#### RITA BISWAS VS THE STATE OF WEST BENGAL [WP.ST/193/2024]

#### Bench: Justice Madhuresh Prasad, Justice Supratim Bhattacharya

Orders by the Director of Health Services and Chief Medical Officer of Health that prevented a Nurse Grade II on Trainee Reserve from joining her promoted post as Nurse Grade I(II) while pursuing a Master's degree were deemed unsustainable and contradictory to the West Bengal Nursing Personnel (Placement on Trainee Reserve) Rules 2009. The impugned orders were set aside, and the respondents were directed to pay the petitioner arrears of salary for the promoted post from the date her joining was cancelled until she completed her Master's degree and re-joined the promoted position.

#### DR. SATINATH SAMANTA VS THE STATE OF WEST BENGAL [WP.ST/210/2024]

#### Bench: Justice Madhuresh Prasad, Justice Supratim Bhattacharya

The petitioner, a medical officer at Calcutta Homeopathic Medical College and Hospital, is entitled to have the period from 22.02.2005 to 20.04.2010 counted towards his qualifying service for pension. The delay by authorities in complying with a previous order does not negate his entitlement. The Tribunal's rejection of his pension claim has been set aside, with a directive for the authorities to calculate and pay the owed pensionary benefits within 8 weeks.



#### THE STATE OF WEST BENGAL VS BHATU SK [CRA (DB)/78/2022]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The state's appeal was dismissed, and the trial court's conviction of Bhatu Sk and Motor Sk @ Motar Sk under Sections 448/324 of the Indian Penal Code was upheld. The injuries sustained by the victims were deemed simple and insufficient for a conviction under Section 307 IPC (attempt to murder), as sought by the state. The trial court's conclusions were considered plausible.

#### ARVIND KUMAR SHAW VS STATE OF WEST BENGAL [CRA (DB)/88/2022]

#### Bench: Justice Debangsu Basak, Justice Md. Shabbar Rashidi

The appellant was convicted under Section 304 of the Indian Penal Code for culpable homicide not amounting to murder, not Section 302 for murder. The incident arose from a sudden altercation with the victim, characterized by a single stab wound, without premeditation or prior enmity. The attack did not show undue advantage or cruelty. The conviction was modified to Section 304, resulting in a reduced sentence of 10 years rigorous imprisonment, while the imposed fine was affirmed.

#### SRI AYAN KOLEY VS SRI RAM CHANDRA KOLEY [CO/1837/2019]

#### Bench: Justice Md. Shabbar Rashidi

The trial court's decision to direct the petitioners to deposit the admitted consideration money of Rs. 40,000 was upheld, despite the delay in filing the petition disputing the consideration price. The trial court addressed the case merits under Sections 8 and 9 of the West Bengal Land Reforms Act, rather than focusing solely on the delay, which was deemed permissible. The impugned order was not interfered with.



#### EPIC MARKETING COMPANY PVT. LTD. VS THE STATE OF WEST BENGAL [WPA/27146/2024]

#### Bench: Justice Om Narayan Rai

The writ petition was dismissed due to the doctrine of res judicata, as the same relief had been denied in a prior petition. The lease deed terms prohibited the petitioners from claiming a refund of the lease premium, and the delay in filing the petition disqualified them from receiving relief. The petition lacked merit.

# SRI APURBA MANIK VS TAMLUK GHATAL CENTRAL CO-OPERATIVE BANK LTD. [WPA/27943/2024] & Bench: Justice Om Narayan Rai

The petitioner's pension cannot be attached under relevant laws, which exempt pensions from attachment. Evidence did not clearly establish that the attached bank account was the petitioner's pension account. Verification is required to confirm this; if it is indeed the pension account, 50% of the pension amount may be appropriated for loan repayment. The petitioner is also allowed to approach the cooperative bank for a one-time settlement of the loan.

#### M/S. SAI CONSTRUCTION VS UNION OF INDIA [WPA/28052/2024]

#### Bench: Justice Om Narayan Rai

M/s. Sai Construction's writ petition was dismissed due to a 2.5-year delay in challenging the April 25, 2022 order, which removed the petitioner from the approved contractor list for submitting fake fixed deposit receipts. The delay was unexplained, and no procedural irregularities were identified in the decision-making process. The August 1, 2024 order denying renewal of enlistment was also upheld, as trust issues with the petitioner precluded any business dealings related to the country's defense, and previous enlistment cancellation made renewal impossible. A writ of mandamus to compel a contract was not applicable.

## BULTI HOSSAIN VS UNION OF INDIA [WPA/29001/2024]♂

#### Bench: Justice Om Narayan Rai

The question of exceptional circumstances justifying the eviction notice issued by the Enforcement Directorate under the Prevention of Money Laundering Act should be decided by the Appellate Tribunal rather than the High Court. The petitioner has filed an appeal against the attachment order with the Appellate Tribunal, which has the authority to stay the order. The Appellate Tribunal is directed to address the appeal and stay application within two months. There is no inherent lack of jurisdiction in the eviction notice issuance, but the Enforcement Directorate must satisfy the test established in the Vijay Madanlal case regarding exceptional circumstances.



## ANIMESH MAJUMDER VS UNION OF INDIA [WPA/1048/2010]

### Bench: Justice Partha Sarathi Chatterjee

The receipt of an order of removal or dismissal is integral to the cause of action. A writ petition challenging such an order can be entertained in the jurisdiction where the order was received, even if other aspects arose outside that jurisdiction. The concept of "cause of action" under Article 226 of the Constitution was clarified, distinguishing between communication and actual receipt of orders. Binding precedents were affirmed, and objections regarding lack of territorial jurisdiction were overruled.

## TARUN CHANDRA MONDAL VS UNION OF INDIA [WPA/1844/2012]

### Bench: Justice Partha Sarathi Chatterjee

Disciplinary proceedings against the petitioner were deemed valid and lawful. The authenticity of the caste certificate submitted for employment as a constable in the CISF was challenged and found to be fraudulent by the Sub-Divisional Officer of Ranaghat. The petitioner did not provide evidence to dispute this finding. The appointment was void ab initio, and the dismissal from service was justified. The writ petition was dismissed.

### SUPRIYA CHATTERJEE VS UNION OF INDIA [WPA/10918/2012]

#### Bench: Justice Partha Sarathi Chatterjee

The decision of the Central Government Industrial Tribunal, which denied reinstatement with back wages and awarded Rs. 50,000 in compensation, was upheld. The petitioner, a temporary emergency peon, had a valid termination as per applicable rules due to the reluctance of the supervising officer to retain him. The termination letter did not imply any stigma, eliminating the need for an inquiry. Compensation was increased to Rs. 2,00,000.

## NARAYAN CHANDRA SAHA VS STATE OF WEST BENGAL [WPA/6280/2012]

### Bench: Justice Partha Sarathi Chatterjee

The petitioners, displaced hawkers from Hemanta Basu Market, do not have legally enforceable rights over the spaces they occupy at B.C. Roy Market, where they were temporarily rehabilitated for humanitarian reasons. The decision regarding permanent lease or allotment of stalls is a government policy matter with limited judicial review. Petitioners may seek legal remedies if dissatisfied with future actions or decisions related to their situation. This matter involved multiple previous cases, but there has been no conclusive determination of the petitioners' rights.

#### SANJIT SAHU VS UNION OF INDIA [WPA/18921/2022]

### Bench: Justice Partha Sarathi Chatterjee

Possession of a 'Spy Pen Camera' by a CISF constable in official uniform constituted misconduct, despite claims it was mistakenly placed in his pocket by his wife. The constable's attempts to mislead superiors and the potential misuse of the device indicated ill motive. A punishment of reduction in pay by one stage for two years was upheld, with the condition of no increments during this period. However, the portion of the punishment regarding future increment postponement and treating the suspension period as 'not on duty' was set aside. The petitioner did not challenge the orders of the Appellate Authority or Competent Authority in this matter.

## SHANTA PRAMANIK VS BANGIYA GRAMIN VIKASH BANK [WPA/17532/2022]

#### Bench: Justice Partha Sarathi Chatterjee

Fresh enquiry proceedings conducted by the Bank were found to be non-compliant with earlier directions. The Enquiry Officer relied on materials from previous proceedings, did not provide the petitioner a reasonable opportunity to cross-examine management witnesses, and acted with a preconceived mindset, failing to address key issues. Consequently, the entire enquiry process was deemed legally unsustainable, leading to the direction for the Bank to reinstate the petitioner with 50% of the back wages.



## INDRANIL CHOWDHURY VS THE STATE OF WEST BENGAL [WPA/13049/2019]

### Bench: Justice Partha Sarathi Chatterjee

The writ petition filed by Indranil Chowdhury and another, challenging the refusal of the Land Manager to accept the remaining salami for a plot of land allotted to their deceased grandfather in 1967, was dismissed. The original allotment specified that the remaining 50% of the salami was due within two months of notification that the land was ready for possession. The original allottee's failure to pay within this timeframe resulted in automatic cancellation of the allotment. The authorities' decision not to accept the balance salami after a 45-year delay was upheld, as the petitioners' lengthy inaction was not justified. The limited scope of judicial review in contractual matters was emphasized, reaffirming the necessity to adhere to the original terms of the contract.

## ANUP PURKAYASTHA VS UNION OF INDIA [WPA/2259/2024]

### Bench: Justice Partha Sarathi Chatterjee

The Damodar Valley Corporation (DVC) must re-evaluate its policy that excludes degrees obtained through distance education from promotion eligibility. Insufficient justification was provided to demonstrate that expertise for the promotional post can only be gained through full-time courses. The matter is to be re-examined by the DVC Chairman for validation of the classification. No determination was made regarding the promotion of Akhilesh Kumar Pandey, as he did not prove that his Master of Arts degree is not equivalent to the required qualification.



### SANTOSH KUMAR VS UNION OF INDIA [WPA/8618/2012]

#### Bench: Justice Partha Sarathi Sen

The writ petition by Santosh Kumar, challenging his removal from the Railway Protection Force, was deemed not maintainable due to the misconduct and disciplinary proceedings occurring outside the Calcutta High Court's jurisdiction. The petitioner did not exhaust the statutory remedy of filing a revision under the Railway Protection Force Rules, 1987. Even if considered maintainable, the proceedings were conducted in accordance with the procedural requirements, with no violations of natural justice or bias identified. The petition was dismissed as meritless.

### SANTOSH KUMAR SAHA VS THE STATE OF WEST BENGAL [WPA/21413/2024]

#### Bench: Justice Partha Sarathi Sen

The writ petition for enhanced compensation for land acquired under the National Highways Act, 1956 was dismissed. Compensation for the petitioners' land in Itla Mouza was determined after the cut-off date of 31.12.2014, but most land holdings had compensation decided and paid before this date. The petitioners were not entitled to enhanced compensation under the First Schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as per the guidelines issued by the Government of India.

## PANCHU GOPAL DEY VS THE UNION OF INDIA [WPA/19736/2023]

### Bench: Justice Partha Sarathi Sen

The writ petition challenging the rejection of the petitioner's representation regarding land acquisition was dismissed. The land had already been acquired previously, and records mistakenly listed the petitioner as the owner. The land now belongs to the Airport Authority of India. The petitioner's purchase through registered deeds did not impact the earlier acquisition, and the actions of the respondents did not violate constitutional provisions.

### SUBHASH GORAI VS THE UNION OF INDIA [WPA/19738/2023]

### Bench: Justice Partha Sarathi Sen

The writ petition by Subhash Gorai and others challenging the rejection of their representation regarding plot no. 677 in Mouza-Chanda was dismissed. The registered deed of conveyance did not clarify the plot's classification, and merely having names in the municipal assessment register did not establish title. A report indicated that an erroneous record existed for plot no. 677, which was part of a larger Bata plot that had been acquired by the government for the Airport Authority of India. The petitioners' purchase of portions of plot no. 677 did not affect prior acquisition and requisition proceedings, leading to the dismissal of the petition.

## TARAPADA PRAMANICK VS THE STATE OF WEST BENGAL [WPA/5714/2025] ☑

#### Bench: Justice Partha Sarathi Sen

The writ petition by Tarapada Pramanick was dismissed due to the ruling that he was not entitled to a rehabilitation plot since the acquired land was classified as 'jal' land and his father had already received a plot. The decision was based on sufficient reasoning and adherence to principles of natural justice, with no evidence of perversity or illogicality in the order. The petition was deemed to lack merit.



## BALAI KULE @ SURAJIT KULE VS THE STATE OF WEST BENGAL [CRA/21/2015]

### **Bench: Justice Prasenjit Biswas**

Balai Kule was acquitted of kidnapping charges under Section 363 of the Indian Penal Code due to insufficient evidence. The prosecution could not establish "taking away" or "enticement" of the victim. The victim's statement, recorded under Section 164 Cr.P.C., revealed a voluntary relationship with the appellant, contrasting with her later testimony at trial, which appeared influenced by external factors.

## SHRI SWAPAN KUMAR DUTTA VS THE STATE OF WEST BENGAL [CRA/66/1990]

#### Bench: Justice Prasenjit Biswas

Swapan Kumar Dutta's conviction under Section 7(1)(a)(ii) of the Essential Commodities Act, 1955 was set aside due to inconclusive evidence. Testimony from police officers and witnesses did not convincingly establish a violation of the Baby Food Licensing Order, 1966 and the West Bengal Declaration of Stock and Prices of Essential Commodities Order, 1977 regarding the stock-cum-rate board for baby food. The owner's absence during inspection and contradictory witness statements further undermined the prosecution's case. As a result, the evidence did not support the conviction, leading to Dutta's acquittal.

## SUREN SADHUKHAN VS THE STATE OF WEST BENGAL [CRA/283/1989]

#### Bench: Justice Prasenjit Biswas

The criminal appeal filed by Suren Sadhukhan resulted in the setting aside of a conviction under Section 7(1)(a)(ii) of the Essential Commodities Act. Discrepancies and irregularities in the prosecution's evidence emerged, including contradictions among witness testimonies and inadequate investigation of the existence of a stock price board at the accused's shop. Due to the weaknesses in the prosecution's case, the trial court's evaluation of the evidence was deemed deficient. Suren Sadhukhan was acquitted and discharged from the case.

## KESTO DAS VS THE STATE OF WEST BENGAL [CRA/187/1986]

#### Bench: Justice Prasenjit Biswas

The appeal was allowed, and the conviction of Kesto Das and Sanatan Koley was set aside due to material contradictions in the prosecution witnesses' depositions and doubts regarding the seizure of high-speed diesel oil from their hotel. Misreading and misappreciation of evidence by the trial court were noted, leading to the conclusion that the conviction was affected by illegality and material irregularity.

## KAMAL GHORAI VS THE STATE OF WEST BENGAL [CRA/230/2016]

#### Bench: Justice Prasenjit Biswas

The appeal of Kamal Ghorai and Tapas Ghorai resulted in the setting aside of their conviction and sentence under Sections 363 and 366 of the Indian Penal Code. Prosecution failed to prove the charges, as evidence indicated that the victim voluntarily accompanied the accused, without any indication of force or inducement used to remove her from her lawful guardians. The victim's testimony and actions did not satisfy the essential elements of the alleged offenses.

### BINOY MONDAL VS THE STATE OF WEST BENGAL [CRA/541/2005]

### Bench: Justice Prasenjit Biswas

The criminal appeal was allowed, leading to the reversal of the trial court's conviction. There were contradictions in the prosecution witnesses' statements and insufficient corroborating evidence regarding the victim's cause of death, with medical evidence failing to establish poisoning. The prosecution did not prove any direct action by the appellants that led to the victim's suicide, as mere harassment was inadequate for abetment under Section 306 of the Indian Penal Code. Additionally, the prosecution could not demonstrate the necessary intention on the part of the appellants to abet the suicide, and the connection between their conduct and the victim's choice to take her own life was not established.



## ARUN KUMAR DEY@ ARUN DEY VS THE STATE OF WEST BENGAL [CRA/435/1989]

#### **Bench: Justice Prasenjit Biswas**

The criminal appeal (CRA 435 of 1989) resulted in the acquittal of the appellant, who was previously convicted under Section 7(1)(a)(ii) of the Essential Commodities Act, 1955. Discrepancies in the prosecution's evidence included improper recording of seized goods, involvement of the appellant's brother's shop, and the failure to examine the investigating officer. The prosecution did not prove its case beyond a reasonable doubt.

## SADANANDA KUMAR VS THE STATE OF WEST BENGAL [CRA/822/2005]

### Bench: Justice Prasenjit Biswas

Sadananda Kumar was acquitted of the charge under Section 135(i)(a) of the Indian Electricity Act, 2003 due to contradictions in the prosecution witnesses' testimonies regarding the timing of the FIR, the seizure list, and his presence during the raid. The prosecution failed to establish ownership of the house and did not present the seized articles as evidence. Consequently, the prosecution did not prove the charge beyond reasonable doubt.

### DILIP DAS VS THE STATE OF WEST BENGAL [CRA/150/2009]

#### Bench: Justice Prasenjit Biswas

The criminal appeal led to the acquittal of the appellants under Section 498A of the Indian Penal Code due to the prosecution's failure to prove guilt beyond reasonable doubt. Evidence was found to be contradictory and lacking details about the alleged cruelty. Additionally, there was evidence of a history of mental illness in the victim's family that was not properly considered. The conviction and sentence were set aside.



### KARTIK CHANDRA KAPAS VS BIKASH NASKAR [CPAN/1459/2022]

### Bench: Justice Arijit Banerjee, Justice Rai Chattopadhyay

The Block Development Officer/Executive Officer of Daspur-I did not willfully violate a previous order concerning compensation for petitioners' land used for road construction. Steps were taken to determine the compensation amount, but dissatisfaction arose from the petitioners regarding this determination. Since the land was not acquired through proper statutory proceedings, the petitioners lacked the usual statutory remedies to contest the compensation amount. They were granted the option to approach the appropriate court to challenge the compensation order as if it were issued in a land acquisition proceeding.

## SMT. BINNY JAISWAL VS THE STATE OF WEST BENGAL [CRR/143/2024]

### Bench: Justice Rai Chattopadhyay

A criminal revision petition was allowed, leading to the quashing of proceedings against the petitioners. The allegations in the FIR lacked sufficient prima facie evidence, such as an injury report or witness statements corroborating claims of assault. The incident was characterized as a "childish altercation" between minor children, suggesting the case arose from the complainant's desire for vengeance. The absence of adequate evidence resulted in the quashing of the criminal proceedings against the petitioners.

## DHANANJAY GHOSH VS THE STATE OF WEST BENGAL [WPA/4604/2021] ☑

### Bench: Justice Rai Chattopadhyay

The writ petition by a schoolteacher challenged the rejection of his request for a higher pay scale despite holding a postgraduate qualification. The petitioner had applied for prior permission, fulfilling necessary requirements, even though the school did not forward the recommendation. The reasons provided for the rejection were deemed unmaintainable, as the petitioner was entitled to the higher pay scale under the West Bengal Schools (Control of Expenditure) Act, 2005. The impugned order was set aside, directing the authorities to grant the higher pay scale effective from the appropriate date and to pay the arrears.

## DIPAK KUMAR DULEY VS STATE OF WEST BENGAL [WPA/15931/2017]

### Bench: Justice Rai Chattopadhyay

The writ petition filed by assistant teacher Dipak Kumar Duley for a higher pay scale after obtaining a master's degree was dismissed. Under the West Bengal Schools (Control of Expenditure) Act, 2005, a teacher in the graduate category is not entitled to a higher pay scale solely based on additional qualifications. The decision referenced precedent indicating that claims for pay enhancement based on higher qualifications are governed by relevant rules at the time of acquisition and cannot be assured as a right. Furthermore, a 2004 government circular did not stipulate an upgrade in pay scale for teachers initially appointed as pass graduates, leading to the conclusion that the denial of the higher pay scale was justified.

## SRIJIB KUMAR PATRA VS THE STATE OF WEST BENGAL [WPA/3729/2020]

#### Bench: Justice Rai Chattopadhyay

The writ petition filed by Srijib Kumar Patra for condonation of a shortfall in qualifying years of service for pension eligibility after superannuation was dismissed. The absence of a specific provision in the relevant scheme for condoning the minimum qualifying service period, combined with the lack of delay attributable to the authorities regarding the petitioner's appointment, resulted in insufficient grounds to address the approximately four-year shortfall in service. The petition was deemed to lack merit.



# M/S SPEEDWAYS LOGISTICS PRIVATE LIMITED VS THE ADDITIONAL COMMISSIONER, CGST & CX KOLKATA [WPA/23717/2024]☑

### Bench: Justice Raja Basu Chowdhury

M/s Speedways Logistics Private Limited and another can challenge the show-cause notice issued under Section 74 of the Central/West Bengal Goods and Services Tax Act, 2017, along with the adjudication order dated 31st January, 2025, in a combined manner before the appropriate forum. The adjudication order results from the prior show-cause notice, creating a separate cause of action. The writ petition and connected application are disposed of without addressing the merits, and no affidavit-in-opposition from the respondents is required.

## AMIT KUMAR VS UNION OF INDIA [WPA/15419/2018]

### Bench: Justice Raja Basu Chowdhury

The disciplinary authority's order dismissing the petitioner from service under Rule 161(ii) of the Railway Protection Force Rules, 1987, lacked sustainability due to the absence of a regular departmental inquiry. The authority failed to adequately record reasons for dispensing with the inquiry, which were not based on objective criteria. The petitioner was not given an opportunity to explain the incriminating social media comments before the inquiry was dismissed. The dismissal and appellate orders were set aside, with directions for the petitioner's reinstatement and the possibility of initiating fresh disciplinary proceedings within 8 weeks.

## MITRA KUMAR MONDAL VS THE STATE BANK OF INDIA [WPA/16034/2017]

### Bench: Justice Raja Basu Chowdhury

The petitioner, a messenger at the State Bank of India for over 30 years on a temporary basis, is entitled to regularization as a permanent sub-staff employee. The bank must fix the petitioner's pay at the minimum scale for a regular sub-staff, including all perks and benefits, and calculate retiral benefits accordingly. The bank had continued the petitioner's employment beyond the superannuation age without granting the benefits of a permanent employee, despite the petitioner meeting the eligibility criteria for regularization. This situation constituted an abuse of the bank's superior bargaining position. The irregularity of the petitioner's initial appointment does not preclude entitlement to regular employee benefits. The bank is required to complete the regularization formalities within three months.

### MUKUL SOMANY VS UNION OF INDIA [WPO/198/2023]

### Bench: Justice Raja Basu Chowdhury

Orders under Section 264 of the Income Tax Act for assessment years 2016–17 and 2017–18 rejecting the petitioner's applications for revision due to delay are unsustainable as the petitioner's explanation for delay and the proviso for condonation were not properly considered. The order for assessment year 2018–19, which stated that the refund of excess remuneration cannot be treated as a deduction, also lacked proper consideration. Matters for the assessment years 2016–17, 2017–18, and 2018–19 have been remanded for fresh adjudication.



## D.D. INFRASTRUCTURE PRIVATE LIMITED VS UNION OF INDIA [RVWO/22/2024]

### Bench: Justice Rajarshi Bharadwaj

The review petition by D.D. Infrastructure Private Limited was allowed due to errors in the previous order, which did not inform the petitioner of reassessment proceedings and denied an opportunity to present its case, breaching natural justice. The refusal to grant an adjournment to the petitioner's counsel caused significant prejudice, hindering a reasonable defense. Judicial precedents highlighted that an alternate remedy does not prevent intervention in cases involving natural justice violations.



## TATA STEEL LIMITED VS THE OWNERS AND PARTIES INTERESTED IN THE OCEAN VESSEL ESPERANZA - III [OCO/2/2025]☑

### Bench: Justice Rajasekhar Mantha, Justice Ajay Kumar Gupta

The defendant carrier is entitled to claim detention charges under clauses 11 and 12 of the bill of lading due to vessel detention at Sandheads caused by a pilot strike. The plaintiff did not prove the claim was wrongful and received delivery of cargo after providing a bank guarantee, subsequently abandoning its main claim, leading to unjust enrichment. Section 144 of the CPC is applicable to restore original positions. The defendant's counterclaim for detention charges is not barred by limitation as it relates to the maritime claim. The defendant receives interest at 11% per annum on the detention charges from the filing date of the suit until actual payment, influenced by the commercial nature of the transaction and the plaintiff's unreasonable delay.



## BTS RESEARCH INTERNATIONAL PTY LTD VS THE CONTROLLER GENERAL OF PATENTS & DESIGNS, MUMBAI [IPDPTA/56/2023]

### Bench: Justice Ravi Krishan Kapur

An appeal was allowed against the rejection of a patent application for a "Method of generating hybrid/chimeric cells and uses thereof." The rejection was based on a misinterpretation of the law regarding human intervention and technical steps involved in the invention. The exclusion under Section 3(j) of the Indian Patents Act was not properly applied, as the invention involved the artificial fusion of three somatic cells, including human and mouse cells. The matter is remanded for fresh adjudication, allowing all issues to be decided in accordance with the law.

## ADVANCED ELECTRIC MACHINES GROUP LIMITED VS THE CONTROLLER OF PATENTS DESIGNS AND TRADEMARK [IPDPTA/3/2025]

### Bench: Justice Ravi Krishan Kapur

The patent office's rejection of a patent application for an electric sub-assembly used in electric/hybrid vehicles was set aside due to a lack of proper reasoning on the inventive step, as per Section 2(1)(ja) of the Patents Act. Errors identified included failure to consider the appellant's submissions, incorrect interpretation of the invention's scope, reliance on an untranslated foreign language document, and use of impermissible hindsight analysis. The matter was remanded for a fresh hearing, with no adjudication on the merits and all issues left open for consideration.

## TAKEDA PHARMACEUTICAL CO LTD VS CONTROLLER OF PATENTS AND DESIGNS [IPDPTA/119/2023] ☐ Bench: Justice Ravi Krishan Kapur

The order rejecting the patent application for the compound "Brigatinib" was set aside due to errors in assessing the obviousness of replacing the "sulfonyl group" with the "phosphoryl group" and misapplication of Section 10(4) regarding disclosure sufficiency. The matter is remanded for fresh consideration, with all issues remaining open for adjudication.

# HUAWEI TECHONOLOGIES CO. LTD. VS THE CONTROLLER GENERAL OF PATENTS DESIGNS AND TRADEMARK [IPDPTA/6/2025]

### Bench: Justice Ravi Krishan Kapur

The order rejecting the patent application of Huawei Technologies Co. Ltd. was set aside due to the untenable sole ground of alleged invalidity of the General Power of Attorney (GPA). The reliance on specific Sections of the Patents Act and Patent Rules to reject the application based on the GPA issue was found to be misplaced, as those provisions do not permit rejection solely on this basis. It was determined that filing a self-attested copy of the GPA, with the original filed in another application, complies with the Departmental Circular No. 12 of 2009. The matter was remanded for hearing and conclusion by a different Hearing Officer within four months, with all points left open for legal consideration.

# <u>UPL LTD VS THE CONTROLLER OF PATENTS DESIGNS AND TRADEMARK [IPDPTA/2/2025]</u> Bench: Justice Ravi Krishan Kapur

The appeal was allowed, and the order rejecting the patent application was set aside due to insufficient reasoning and analysis of the technical evidence regarding the invention's unexpected advantages and synergistic effects. The order selectively considered some data, neglecting other relevant information, and failed to properly apply tests for assessing inventive step. Additionally, procedural requirements were violated by not issuing a Second Examination Report after the amended claims were filed. The matter was remanded for fresh consideration.



### ABHISHEK NAG VS PUNJAB NATIONAL BANK [MAT/1990/2023]

### Bench: Justice Tapabrata Chakraborty, Justice Reetobroto Kumar Mitra

The order of removal from service imposed on the appellant was set aside as the punishment was deemed disproportionate to the charges. The appellant's absence was attributed to a medical condition and the need to care for an ailing father, not willful misconduct. Requests for leave and deferment were ignored by bank authorities. The appellant was denied the opportunity to cross-examine a key witness, breaching natural justice principles. Considering the mitigating factors, a lesser punishment of withholding increment for two years was mandated, along with reinstatement and notional continuity of service benefits.

## HINDUSTAN STEELWORKS CONSTRUCTION LIMITED VS THE BOARD OF TRUSTEES FOR THE SYMA PRASAD MOOKERJEE PORT, KOLKATA [MAT/123/2025]

## Bench: Justice Tapabrata Chakraborty, Justice Reetobroto Kumar Mitra

The appeal by Hindustan Steelworks Construction Limited was dismissed, upholding an eviction order based on the expiration of a 10-year lease. No jurisdictional error or bias by the Estate Officer was identified, and the remedy of appeal under the Public Premises (Eviction of Unauthorized Occupant) Act, 1971 was deemed adequate. An additional 12-day period was granted to file the statutory appeal.



## SMT. SHYAMALI BISWAS VS SRI BINAY BISWAS [FMAT/240/2024]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appellant's appeal was partially allowed, reinstating her as a party to the partition suit after her name had been expunged. The expunction was based on the validity of a transfer deed in favor of a third party, which is currently under dispute in a separate case. The appellant will remain a party to the partition suit along with the alleged transferee, contingent on the outcomes of both the current case and the challenge to the transfer deed.

## MRS. RUPASHREE MAJUMDER VS MR. SANDIPAN SARKAR [FAT/339/2024]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appellant's application for condonation of a 563-day delay in filing an appeal against a divorce decree was dismissed due to an unsatisfactory explanation for the delay, as the service address was the same as that disclosed in the appeal. The respondent had remarried a year after the divorce, and allowing the delay would negatively impact the lives of the respondent and his second wife. The application was deemed not bona fide and dismissed as time-barred.

### SMT. PRANATI MAITY VS SRI KAJAL BARAN BERA [FA/32/2021] 🗷

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The application for withdrawal of appeal FA 32 of 2021 against a preliminary decree in a partition suit was allowed due to a compromise petition indicating settlement. Consequently, the appeal and related application CAN 1 of 2018 were dismissed as withdrawn, and the records were directed to be sent back to the trial court promptly.

### SONY BAGCHI VS FARIDA BIBI [FMA/195/2025]⊠

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act) governs the case involving two minor children deemed "orphans" due to their mother's mental unsoundness and absence. Although considered orphans, the children are not without family support, as they are under the care of the appellant, with whom they share a close bond. An inquiry by the Child Welfare Committee (CWC) is directed to assess whether the appellant qualifies as a "fit person" for custody or if alternative care options, such as foster care, should be considered. Institutionalization is advised only as a last resort, following the principles of the JJ Act. Clear guidelines for the CWC's inquiry and decision-making regarding the children's placement are provided.

## CHANDRIMA SEN MAJUMDER CHOUDHURY VS SMT. DEYA BARMAN DAS [FMAT/476/2024] ☑

#### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appeal was allowed, setting aside the trial court's refusal of the ad interim injunction application. Sufficient prima facie evidence of possession and title was presented through a sale deed and other documents. The insistence on a complete chain of title at the ad interim stage was deemed unnecessary. An ad interim injunction was granted, restraining the respondents from altering the suit property's nature or making constructions until the trial court resolved the injunction application. The respondents were directed to file written objections within two weeks, and the trial court was instructed to expedite the injunction application process, preferably by May 31, 2025. Observations made were tentative and not binding for later stages.

### BAZLUL HAQUE VS NURUL ISLAM [FAT/419/2016]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The application for condonation of delay in filing an appeal against an ex parte final decree of partition was dismissed due to an unsatisfactory explanation for a delay of about 2705 days. The appellants, represented by a lawyer in the lower court, did not demonstrate diligence in communicating with their



lawyer regarding the case status. Furthermore, their failure to appeal against another partition decree in a related matter raised questions about their bona fides. The long delay was not condoned based on the appellants' conduct and explanation.

## PUNJAB & SIND BANK VS M/S. CHAINRUP SAMPATRAM [FA/144/2017]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appellant bank is liable for the fraudulent premature discounting and discharge of the plaintiff's fixed deposits and for opening a current account without proper authorization. Negligence and dereliction of duty were established as fraud based on the preponderance of probability. The bank's claims of non-vicarious liability for its branch manager's misconduct were rejected, as the transactions were within the bank's regular business operations.

### BODHIRUPA MUKHERJEE VS MILINDA LAHIRI [FA/68/2024]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The marriage between the appellant and the respondent husband was declared void ab initio due to the husband's existing marriage to a third party at the time of the marriage. This conclusion was based on the husband's admission in a prior divorce suit, establishing that the marriage was invalid under the Special Marriage Act, 1954 and the Hindu Marriage Act, 1955, regardless of the outcome of his previous divorce proceedings.

## SANTA GURUNG VS SADHAN MUKHOPADHYAY [FA/119/2025]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The trial court rejected the appellants' plaint for specific performance of an agreement for sale, claiming it lacked a proper cause of action. The plaint was deemed to contain sufficient foundational pleadings under the Specific Relief Act, 1963. The insistence on specific details and evidence at the plaint rejection stage was seen as unnecessary. The judgment and decree were set aside, the plaint was restored, and the matter was remanded to the trial court for further proceedings, allowing the plaintiffs to rectify the admitted undervaluation of the suit.

## OM PRAKASH KALLA VS KALLA PROPERTIES AND INDUSTRIAL CORPORATION LIMITED [FA/179/2025] Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appeal against the rejection of the plaintiff's plaint was dismissed due to several legal deficiencies. The plaint was deemed bad in law for misjoinder of causes of action, mixing claims of alleged shareholding in the defendant company with those related to immovable property. The plaintiff failed to clearly disclose a legal right or cause of action regarding the immovable property, and the claim to be declared a shareholder was not maintainable, lacking evidence of share transfer under the Companies Act, 2013. The appropriate remedy for claims concerning the company's affairs was identified as being under Section 241 of the Companies Act, 2013, rather than a civil suit.

## SK. AREF RAHAMAN VS SK. MD. KUTUBUDDIN [FMA/184/2025] ♂

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appeal by the plaintiffs regarding a preemption suit was accepted, leading to the reversal of the trial court's order that denied an ex parte ad interim injunction. The trial court's order was criticized for lacking rationale and failing to consider relevant factors. An ad interim injunction was granted, prohibiting the defendant from transferring or altering the suit property. The trial court was instructed to resolve the temporary injunction application within four weeks, allowing both parties to be heard.

## STAR TRACK AGENCY PRIVATE LIMITED VS EFCALON TIE UP PRIVATE LIMITED [FMAT/57/2021] ☑

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The agreement between the parties created a license rather than a lease, based on an analysis of



pertinent clauses. Allegations of defects in stamp duty and non-registration did not invalidate the agreement. The dispute was deemed arbitrable, and arguments regarding Sections 64 and 65 of the Contract Act were rejected. The interim award issued by the arbitrator was upheld, and the appeal was dismissed.

## MITA RANI BASAK VS PRABHAT KUMAR BASAK [FA/133/2019]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The grant of probate for the last Will and Testament of Harendra Chandra Bysack was upheld. The delay in filing the probate application was explained as the right to apply arose when the will was challenged in a partition suit. The execution and attestation of the will were proven by the sole surviving attesting witness, and minor discrepancies did not constitute suspicious circumstances requiring further explanation. The requirements for a valid will were satisfied, ensuring the testator's intentions were honored.

## SACHIN KUMAR SHARMA VS PNB HOUSING FINANCE LIMITED [FMA/681/2025]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The civil appeal by Sachin Kumar Sharma led to a finding that the stay order from the revisional court did not prevent the trial court from addressing interlocutory applications, including the one for extending the interim injunction. The trial court's refusal to extend the injunction was set aside, with directions for the trial court to expedite the disposal of the temporary injunction application. The defendant was permitted to file written objections to the injunction application within one week.

## PADMABATI SHAW VS SRI PRODYUT KUMAR SAHA [FAT/353/2019]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appeal was allowed and the trial court's judgment was set aside due to lack of territorial jurisdiction. The suit, concerning immovable property rights, should have been filed in the jurisdiction where the property is located, which is under a different police station than the trial court's. The ruling addressed only the issue of jurisdiction and permits the plaintiff to file a fresh suit in the appropriate court within the law of limitation.

## THE GAYATRI CHETNA FOUNDATION VS SRI MANOJ JOSHI [FMAT/122/2025]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The trial court's order granting ad interim injunction was set aside due to non-compliance with Section 148-A of the Code of Civil Procedure, which mandates prior notice to the caveator. The grounds for not serving the caveator were deemed legally insufficient. The case involved a trust's caveat directly related to the suit, warranting notification. The argument of urgency was dismissed, as there was ample time before examination dates. The primary reason for overturning the order was the lack of jurisdiction arising from non-service of notice.

## YAJUR FIBRES LIMITED VS DHARMENDRA TIWARI [FMA/331/2025] ☑

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appointment of a receiver was deemed unnecessary for Yajur Fibres Limited to construct a boundary wall, as an injunction order had already been granted in its favor. The purposes of the receiver application and the injunction appeal were overlapping, and the injunction order could be implemented with police assistance if required.

## MD. ZAKARIA KHAN VS MOLLA MOHAMMAD ABDUL KABIR [FAT/169/2025]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The trial court's decision to reject the plaint was upheld, stating that the suit was barred by Section 34 of the Specific Relief Act, 1963. The cause of action involved an alleged breach of two agreements, but the plaint did not seek specific performance, despite indicating a breach of contract. The appeal was



unanimously dismissed.



## THE INDIAN SCIENCE CONGRESS ASSOCIATION VS THE UNION OF INDIA [WPA/16709/2023]

### Bench: Justice Saugata Bhattacharyya

The Indian Science Congress Association (ISCA), a registered society under the West Bengal Societies Registration Act, 1961, must adhere to the statutory process for amending its rules as specified in the Act and its own Regulation 29. Arguments from the Department of Science and Technology (DST) regarding a Memorandum of Understanding allowing unilateral amendments by DST were rejected. ISCA was not classified as an "other authority" under Article 12 of the Constitution, as government financial control was not deemed deep and pervasive. The order from DST on May 3, 2023, regarding amended rules and the subsequent communication on the reconstitution of ISCA's Executive Committee on June 8, 2023, were set aside.

## HARIDAS MAKHALL VS THE STATE OF WEST BENGAL [WPA/2478/2025]

### Bench: Justice Saugata Bhattacharyya

The Headmaster/Headmistress must be included in the total teaching staff count of a school for applying Rule 5(6) of the West Bengal School Service Commission (General Transfer) Rules, 2015. The definition of "Teacher" encompasses the Headmaster/Headmistress, and transfers for these positions are permitted. The District Inspector of Schools is to forward the petitioner's transfer application to the Chairman of the West Bengal Central School Service Commission, as the petitioner qualifies within the 10% eligible for transfer when the Headmaster/Headmistress is counted.

## BAJID HOSSAIN VS THE STATE OF WEST BENGAL [WPA/6800/2025]

### Bench: Justice Saugata Bhattacharyya

The transfer order issued by the OSD & EO Director of Madrasah Education, West Bengal, and the subsequent recommendation by the Secretary of the West Bengal Madrasah Service Commission were set aside. The transfer of the petitioner from Assistant Head Master to Assistant Teacher was deemed improper and a demotion due to the lack of proper justification under Rule 33(d) of the West Bengal Madrasah Service Commission Recruitment Rules, 2023. Additionally, the petitioner's appointment as Assistant Head Master was under consideration in a separate writ petition, making the transfer order ineffective.



# M/S. KESORAM RAYON & ANR. VS THE STATE OF WEST BENGAL & ORS. [WPA/4312/2018] Bench: Justice Shampa Dutt (Paul)

The Industrial Tribunal set aside the dismissal of workman Bidyut Banerjee, ordering reinstatement with full back wages. The Tribunal identified flaws in the domestic inquiry due to the failure to examine key witnesses and provide relevant documents, leading to biased and perverse findings. The Tribunal's decision to disagree with the employer's findings of misconduct and the imposed punishment was legally justified.

## SRI JYOTIRMOY BASU VS UNION OF INDIA [WPA/16216/2021]

### Bench: Justice Shampa Dutt (Paul)

The dismissal of the petitioner from bank service was invalid due to abuse of power and violation of natural justice by the disciplinary authority. The authority's findings lacked evidence and disregarded the petitioner's acquittal in a related criminal case. The orders of the disciplinary authority and the CGIT were set aside, requiring the bank to reinstate the petitioner as a continuous in-service employee until superannuation and to pay full back wages and benefits. The Tribunal's ability to challenge employer findings on misconduct and punishment was affirmed.

# M/S. DUCKBACK INFORMATION SYSTEMS PRIVATE LIMITED VS UNION OF INDIA [WPA/24220/2024] Bench: Justice Shampa Dutt (Paul)

The writ petition by M/s. Duckback Information Systems Private Limited was dismissed regarding the payment of gratuity of Rs. 3,63,461/- to the respondent employee. The respondent's resignation was deemed valid, and the claim of service abandonment by the petitioner was unsubstantiated. The grounds for forfeiting gratuity under the Payment of Gratuity Act, 1972 were not established. The petitioner is required to pay the gratuity amount along with statutory interest within 30 days.

## GLOSTER LIMITED VS THE STATE OF WEST BENGAL [WPA/28727/2024] ☑ Bench: Justice Shampa Dutt (Paul)

The tribunal's findings lacked adherence to legal standards and natural justice principles. Evidence indicated that the workman refused to work outside the Roving department, which had insufficient work. The tribunal's award of full back wages was based solely on the workman's statement without supporting evidence for the claim of termination by the company. The tribunal's award was set aside, and it was directed to reconsider the case on merits, allowing both parties to present evidence and to issue a reasoned decision within six months.

## ANUSARA BEGUM @ ANSURA BEGUM @ ANSURA BEGAM @ BABY VS THE STATE OF WEST BENGAL [CRR/884/2023]

### Bench: Justice Shampa Dutt (Paul)

The revision petitions filed by Anusara Begum and her husband Sheikh Sahajahan in an NDPS case were dismissed due to prima facie evidence against them, including statements from a co-accused and corroborating evidence such as CDR records. The argument of mistaken identity was rejected, as their names were explicitly mentioned by the apprehended accused. The trial court was instructed to expedite the trial proceedings.

# MR. ARNAB GOSWAMI VS THE STATE OF WEST BENGAL [CRR/1187/2022] Bench: Justice Shampa Dutt (Paul)

The criminal proceedings against Arnab Goswami and ARG Outlier Media Private Limited under Sections 153A, 153B, 500, 504, and 120B of the Indian Penal Code were quashed. The comments made by a panelist during a live debate on Republic TV were deemed personal opinions, not endorsed by the petitioners. They condemned the comments during the broadcast and clarified their position on social media. The required legal elements for the alleged offences were not established against them, and the continuation of the



proceedings was considered an abuse of legal process. All related notices under the Code of Criminal Procedure were also invalidated.

# M/S. BRAITHWAITE & CO. LIMITED VS SECOND INDUSTRIAL TRIBUNAL & ORS. [WPA/2477/2012] Bench: Justice Shampa Dutt (Paul)

The central government is the appropriate government for Braithwaite & Co. Limited due to its takeover under the Braithwaite & Company (India) Limited (Acquisition & Transfer of Undertaking) Act, 1976. The nationalization of the company means the central government has jurisdiction under the Industrial Disputes Act, overriding any assertions that the state government was appropriate. The central government is required to make a reference regarding the industrial dispute within 60 days.

# CALCUTTA JUTE MANUFACTURING COMPANY LTD. VS BHRIGU NATH THAKUR [WPA/6226/2025] Bench: Justice Shampa Dutt (Paul)

Under Section 7(4)(a) of the Payment of Gratuity Act, 1972, an employer must deposit only the "admitted amount" of gratuity when filing an appeal, not the total amount determined by the Controlling Authority, which includes interest. An order was set aside, allowing the appeal to be adjudicated on merits with the deposited amount considered as the "admitted amount."

# <u>VARUN TEA PLANTATIONS LIMITED VS REGIONAL PROVIDENT FUND COMMISSIONER-I [WPA/26207/2024]</u> Bench: Justice Shampa Dutt (Paul)

Varun Tea Plantations Limited, having taken over the Ellenbarrie Tea Estate in 2008, is not liable for damages levied by Provident Fund authorities for the period from May 2002 to July 2004, when the estate was owned by Ellenbarrie Tea Co. Ltd. The liability of a transferee, according to Section 17B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, is limited to the value of assets obtained. Due to a negative balance in the petitioner's financials post-takeover, a payment of only 60% of the levied damages was directed, with the option to recover the remaining amount from the previous owner.

# M/S. HEINEN AND HOPMAN ENGINEERING (I) PVT. LTD. VS THE STATE OF WEST BENGAL [WPA/1617/2025] Bench: Justice Shampa Dutt (Paul)

The pension claimed by the employee is classified as "wages" under Section 2(vi) of the Payment of Wages Act, 1936, making it subject to the jurisdiction of the Referee and Controlling Authority under the West Bengal Shops & Establishment Act, 1963. The argument that the pension falls under the exclusion in Section 2(vi)(3) of the Payment of Wages Act was rejected. The pension is considered a term and condition of employment, payable in connection with the employee's service, and thus meets the definition of "wages."

# SRI SUMIT KUMAR GUPTA VS THE STATE OF WEST BENGAL [CRR/89/2025] Bench: Justice Shampa Dutt (Paul)

The criminal revision petition by Sumit Kumar Gupta and Hari Prakash Gupta resulted in the quashing of the proceedings in GR Case No. 2934 of 2017 under Sections 354, 509, 506, and 34 of the Indian Penal Code. The case was deemed to not prima facie constitute any offence, with uncontroverted allegations and evidence failing to disclose any wrongdoing. The proceedings were characterized as manifestly malicious and instituted with an ulterior motive.

## GOPAL BIDYANANDA VS THE STATE OF WEST BENGAL [CRR/262/2024] Bench: Justice Shampa Dutt (Paul)

Criminal proceedings against Gopal Bidyananda for Sections 406 and 420 of the Indian Penal Code were quashed. The matter was determined to be a civil/family property dispute, lacking evidence of a criminal act or intent. The essential elements of the alleged offenses were absent, indicating an abuse of the legal process.



# SMT. PRATUSHA DAS @ PRATTUSHA DAS VS THE STATE OF WEST BENGAL [CRR/348/2024] Bench: Justice Shampa Dutt (Paul)

Criminal proceedings against Smt. Pratusha Das for offences under Sections 498A, 307, 376, 511 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act were quashed. The allegations against her, as the sister-in-law of the complainant, were deemed general and lacking the necessary elements for the alleged offences, indicating that continuing the case would be an abuse of legal process and against the interests of justice.

## TANMAY MAJUMDER VS THE STATE OF WEST BENGAL [CRR/478/2024] ☑ Bench: Justice Shampa Dutt (Paul)

Proceedings against Tanmay Majumder for offences under Sections 417, 376(2)(n), and 506 of the Indian Penal Code were quashed. The relationship between Tanmay and the complainant was deemed prima facie consensual with no initial promise of marriage. The required ingredients for the alleged offences were not established.



## BALASORE ALLOYS LIMITED VS FLYNT MINING LLP [AP-COM/896/2024]

### Bench: Justice Shampa Sarkar

Clause 16 of the agreement between Balasore Alloys Limited and Flynt Mining LLP is invalid as an arbitration agreement under the Arbitration and Conciliation Act, 1996. The clause, which designates the Managing Director of Balasore Alloys and the Designated Partner of Flynt Mining as arbitrators, fails to ensure impartiality and independence essential for an arbitration agreement. This arrangement violates principles of natural justice and the requirements of the Act. Consequently, Clause 16 serves merely as an in-house dispute resolution mechanism rather than indicating a clear intent to refer disputes to a private, impartial tribunal.

# VARIETY INDUSTRIAL WORKS PRIVATE LIMITED VS THE EASTERN RAILWAY [AP-COM/1042/2024] ☑ Bench: Justice Shampa Sarkar

The application for termination of the arbitrator's mandate was deemed not maintainable in the High Court as it should have been filed before the principal civil court, specifically the City Civil Court at Calcutta, where the petitioner had previously filed an application under Section 9 of the Arbitration and Conciliation Act, 1996. Disputes concerning the termination of an arbitrator's mandate must be raised before the court defined under Section 2(1)(e), not through an application under Section 11(6). The application was dismissed, but the petitioner remains free to pursue legal options as permitted.



## M/S ROY & COMPANY VS INDIAN OIL CORPORATION LTD [WPA/13269/2019]

#### Bench: Justice Subhendu Samanta

The order by IOCL rejecting the petitioners' proposal to reconstitute the dealership partnership was found to be inconsistent with a previous Division Bench judgment. IOCL wrongly relied on clauses from the terminated 2009 dealership agreement and failed to examine the dealership's past and present performance as directed. The order was set aside, and IOCL was instructed to reconsider the reconstitution proposal and issue a reasoned decision within three weeks.



## SATYA PRASANNA KHAN VS NULL [PLA/17/2020]

### Bench: Justice Sugato Majumdar

The propounder of Satya Prasanna Khan's last will, dated 21/01/2004, established its execution and attestation as required by the Indian Succession Act and the Indian Evidence Act. No suspicious circumstances were identified, leading to the granting of probate to the petitioner, who is the sole executor appointed by the testator.

## RANJUSREE PAL VS SUPARNA PAL CHOWDHURY [TS/26/2018]

#### Bench: Justice Sugato Majumdar

The execution and attestation of the will of Girindra Kishore Pal Choudhury were not proven according to the requirements of the Indian Succession Act and Indian Evidence Act. Testimony from the sole attesting witness indicated he did not observe the testator signing the will and that only he and the advocate were present during the attestation. Consequently, letters of administration for the will were not granted as it was ineligible for probate.

## STARLITE VYAPAAR PVT. LTD. VS SNG FASHIONS PVT. LIMITED [CS-COM/29/2025]

### Bench: Justice Sugato Majumdar

The plaintiff's suit for recovery of money was dismissed as it was barred by the limitation period. The loan was given on March 31, 2011, and the suit was filed on June 8, 2018, exceeding the 3-year limitation under the Limitation Act. Sections 18 and 19 of the Limitation Act regarding acknowledgment and part-payment did not apply due to insufficient evidence. Additionally, Section 25(3) of the Indian Contract Act concerning written promises to pay time-barred debts was not satisfied as there was no valid written promise. Consequently, the suit was deemed barred by limitation.

## SHRIMATI RAMA DATTA GUPTA (DEC) VS NULL [PLA/63/2019]

### Bench: Justice Sugato Majumdar

Probate for the last will and testament of Rama Dutta Gupta was denied due to insufficient evidence of proper execution as required by the Indian Succession Act and the Indian Evidence Act. Key issues included the absence of one attesting witness without explanation, the unusual nature of bequests to strangers, and indications that the testatrix may have created another will. The execution was not proven in accordance with legal standards.



## SUSHAMA RANI DAS VS RABINDRA NATH DAS [SAT/34/2024]

### Bench: Justice Madhuresh Prasad, Justice Supratim Bhattacharya

The appeal by the plaintiffs was dismissed, affirming that their claim for rectification of three sale deeds was barred by limitation due to their knowledge of the alleged mistake in plot numbers since 1978, with the suit filed in 2018. The sale deeds did not state the correct plot number, rendering them insufficient for any declaration of title. The defendants' names were recorded in the land records at the time of the suit.

### SMTI. ANANTA VS SRI RAMCHANDER [SA/7/2024]

#### Bench: Justice Supratim Bhattacharya

The publication of a notice by the wife claiming her husband was attempting to marry another woman during their marriage constituted defamation, damaging his reputation. The statement was deemed defamatory, identified the husband, and was publicly disseminated. An award of Rs. 1,00,000 in damages was imposed on the wife, recognizing her financial status, as a deterrent against false defamatory claims. The editor of the newspaper was not held liable for the notice's content due to lack of responsibility for verification. The damages awarded against the wife were reduced from Rs. 2,00,000 to Rs. 1,00,000.

## PANCHANAN PAL VS SIKHA ROYCHOWDHURY [SA/33/2017]

#### Bench: Justice Supratim Bhattacharya

The decision dismissed the defendant's appeal against the eviction order. A co-owner may file for tenant eviction on behalf of all co-owners unless there is explicit disagreement from others. The plaintiff proved title over the property, and the property's description in the plaint was deemed sufficient, as acknowledged by the defendant. Possession of the suit room must be handed over to the plaintiff within three months.



## AMARESH CHOWDHURY VS THE STATE OF WEST BENGAL [CRR/967/2024]

#### **Bench: Justice Suvra Ghosh**

The dismissal of the domestic violence case under the PWDV Act based solely on the wife's material suppression of facts, such as the husband's prior criminal acquittal, was not justified. The non-disclosure of such facts did not impact the merits of the PWDV Act case, as the proceedings are distinct. Dismissing the case would leave the wife without a remedy, necessitating adjudication on its merits by the trial court.

## DIPA DUTTA VS THE STATE OF WEST BENGAL [CRR/2503/2024]

#### **Bench: Justice Suvra Ghosh**

No case under Section 306 of the Indian Penal Code (abetment of suicide) was established against the petitioners, the parents-in-law of the deceased. General allegations of cruelty were made, but evidence did not show any such cruelty close to the victim's suicide. Testimonies indicated the victim's husband was primarily responsible for her death. The rib injury discovered during the autopsy could have resulted from CPR rather than prior assault, as no internal injuries were found when the victim was admitted to the hospital. The proceedings against the petitioners were quashed, allowing their release, while the case against the husband continues.

## ABDUL MANIM MOLLA VS THE STATE OF WEST BENGAL [CRR/1499/2024]

#### **Bench: Justice Suvra Ghosh**

The Consumer Forum lacks authority to issue a warrant of arrest against a petitioner in execution proceedings. Under the Consumer Protection Act, 1986, enforcement can occur through the Code of Civil Procedure, allowing for civil prison or property attachment, but not through the issuance of arrest warrants under the Code of Criminal Procedure. The petitioner was not a party to the original case or the execution case, and the orders for the warrant of arrest were deemed outside the Act's scope, leading to their quashing.

## CENTRAL BUREAU OF INVESTIGATION VS RAJNIKANT OJHA [CRM(M)/1/2025]

#### Bench: Justice Suvra Ghosh

The CBI's revisional application was dismissed, upholding the Additional Chief Judicial Magistrate's order that rejected the transit remand of the accused and granted interim bail. The arrest of the accused was deemed invalid because the grounds of arrest were not communicated in writing, violating Article 22 of the Constitution and Section 75 of the Code of Criminal Procedure. The arrest memo only contained formal reasons without providing the substantive grounds that should have been communicated to the accused.



## PASCHIM BANGA GRAMIN BANK & ORS. VS SRI ABHOY CHARAN BASU [FMA/837/2024]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

Deduction of outstanding educational loan dues from Sri Abhoy Charan Basu's pension account was not permissible under Section 60 of the Code of Civil Procedure, which protects pension payments. The employee's prior agreement allowed deductions only from pension arrears, not current payments. Any amounts deducted from the pension account since April 2018 must be restored, although the bank retains the right to pursue other lawful means to recover the dues.

## MAHNAR INFRATECH PRIVATE LIMITED VS UNION OF INDIA [MAT/487/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The termination of the contract between Mahnar Infratech Private Limited and the railway administration is a disputed fact requiring arbitration under clause 64(1) of the General Conditions of Contract. The railway administration must issue a show-cause notice and allow a personal hearing before deciding on the appellant's debarment from the tender for remaining work. The forfeiture of the appellant's performance guarantee is contingent on the arbitration outcome. Previous findings affecting the appellant's rights before the Arbitral Tribunal have been vacated.

### SAMIM SK. VS THE STATE OF WEST BENGAL [MAT/537/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The appeal against the rejection of a technical bid for a tender was dismissed. The rejection was based on the absence of proper technical manpower and insufficient machinery documents, which aligned with the tender conditions. The judicial review in tender matters is limited, particularly for infrastructure projects, and there was no basis to challenge the technical evaluation conducted by the authorities.

## MANIK PAL @ MANIK LAL PAL VS THE STATE OF WEST BENGAL [MAT/263/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The appeal in M.A.T. 263 of 2025 was dismissed due to a 639-day delay in filing, which was deemed inordinate and inadequately explained. The police had cancelled the order for a police picket, leaving no further issues to adjudicate. The appeal and related applications were disposed of, with a direction for the parties to pursue their rights in pending civil proceedings.

## KIRAN JASWAL VS THE CHAIRMAN, LIFE INSURANCE CORPORATION OF INDIA [MAT/360/2025] Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-Court appeal by Kiran Jaswal against a previous order was dismissed. Jaswal sought a direction to the Life Insurance Corporation of India (LICI) for the payment of a one-time premium of Rs. 2 lakhs, claimed to have been paid through an agent. In earlier proceedings, Jaswal was advised to provide a payment receipt, which was not produced. The current appeal relied on an Agent's Proposal and Policy Register showing "completed business," deemed insufficient for a payment directive. The context involved ongoing CBI investigations into a significant fraud related to LICI, leading to the conclusion that a writ petition is not suitable to resolve the claim amidst complex disputed facts. The appeal was dismissed with no grounds for interference with the prior order.

## ASHADUL MOLLA VS THE STATE OF WEST BENGAL [MAT/628/2023]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

An intra-court appeal by a third party concerning a writ petition was disposed of. The appellant claimed the writ petitioner had suppressed a prior order. The directions in the contested order had already been implemented. Observations in the order do not affect the appellant's pending civil cases, and the trial and appellate courts will determine the rights of the parties based on evidence, without influence from the impugned order's observations. The judgment was delivered by two judges without disagreement.



# PRINCIPAL COMMISSIONER OF INCOME TAX-9, KOLKATA VS CHANDRAVADAN DESAI (HUF) [ITAT/274/2024] ☑

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The appeal by the Principal Commissioner of Income Tax was dismissed regarding the penalty under Section 271(1)(c) against Chandravadan Desai (HUF), which had been dissolved before the penalty proceedings. The penalty proceedings were deemed void as they were initiated against a non-existent entity. There was a discrepancy between the reasons for initiating the proceedings and those stated in the penalty order. The matter was tax neutral as the dissolution and partition of the HUF were accepted in the assessment order. Moreover, the individual members of the dissolved HUF were not notified prior to the initiation of the penalty proceedings, breaching principles of natural justice.

### M/S. TOTCO VS THE UNION OF INDIA [FMA/531/2024]

## Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The writ petition challenging the decision to debar the appellant from future contracts and cancel a tender was deemed not maintainable due to the need to examine disputed questions of fact. The appellant was granted the opportunity to pursue remedies under the contract within three months of the judgment. The appeal was dismissed, but this dismissal does not preclude the appellant from contesting the debarment decision through the contractual provisions.

## SK. HASAN JAHANGIR VS THE STATE OF WEST BENGAL [FMA/1345/2024]

## Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-court appeal was dismissed due to a pending civil suit for partition between the parties. The appellant was advised to approach the civil court, as the Gram Panchayat had granted construction permission. There was a directive for police to ensure order regarding the disputed property, without influencing the civil court's decision on the merits.

### BANK OF INDIA VS KHURSHID AHMED PERWEZ [MAT/1997/2024]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The writ petition by Khurshid Ahmed Perwez was deemed not maintainable, as the issue was purely contractual between the Bank of India and the borrower, requiring resolution under relevant law instead of extraordinary jurisdiction. However, due to the vehicle being in the parking yard since 2016 and likely to deteriorate, the Bank was directed to release the vehicle upon payment of Rs. 25,000 as settlement for parking and incidental charges, with no further demands, and this order was not to be treated as a precedent.

### SANJOY BACHHAR VS STATE OF WEST BENGAL [MAT/429/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The appeal filed by the writ petitioners challenging a private finance company's actions under the SARFAESI Act was dismissed. The writ petition was deemed not maintainable against the private finance company, as the circumstances differed from those in a Supreme Court decision related to a cooperative land development bank.

## KANAILLAL NAYAK VS THE WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED [FMA/1116/2024] | Company | Comp

#### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

Property ownership and the nature of the land as a common passage are disputed questions of fact requiring resolution by a civil court. The appellant is permitted to file an application in the pending civil suit or initiate a new suit for relief, which should be addressed expeditiously. The previous order not to interfere in the matter and to direct the parties to the civil court is affirmed.



## DR. SISIR RAY VS THE STATE OF WEST BENGAL [MAT/240/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-Court appeal by Dr. Sisir Ray was dismissed regarding an order on police inaction. The appeal concerned civil rights related to a development agreement, which was not permissible in this context. Surveillance was already directed to prevent breaches of peace between the parties, and no grounds for interference with this directive were found. The appeal was dismissed without costs.

# COMMISSIONER OF CENTRAL EXCISE, KOLKATA-III COMMISSIONERATE VS M/S. TEXMACO LIMITED [CEXA/1/2019]☑

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The revenue's appeal was dismissed, stating the manufacturer is not liable to pay central excise duty under Section 11D for amounts collected from buyers as excise duty and education cess but not remitted to the government. The manufacturer had already paid the required 8% or 10% under the CENVAT Credit Rules, negating the applicability of Section 11D despite recovery from buyers. The decision in the Unison Metals Limited case was recognized as relevant to this matter.

# COMMISSIONER OF CUSTOMS (PORT), KOLKATA VS M/S POWER GRID CORPORATION OF INDIA [CUSTA/13/2025]

## Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The assessment of the bills of entry by M/s Power Grid Corporation of India is deemed provisional due to a price variation clause in the contract with the Korean company. The initial assessment is considered final only for the provisional price, allowing for recovery of additional duty based on the final price. The contract details were provided when filing the bills of entry, affirming that the assessment could not be final. The appeal by the revenue against the order allowing the re-assessment was dismissed.

## SRI ARUN KANTI SARKAR VS THE STATE OF WEST BENGAL [MAT/579/2024] ☑

## Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

In the intra-Court appeal filed by Sri Arun Kanti Sarkar, the order of the Single Bench disposing of the writ petition was upheld. The appellant and his son and daughter-in-law are in disagreement, allowing the appellant to seek relief through the appropriate forum. Police authorities were directed to investigate the FIR against the private respondents and submit a final report within six weeks, with previous observations preserved.

## RAMKRISHNA VIVEKANANDA MISSION VS UNION OF INDIA [MAT/621/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The appeal was allowed and the notice issued under Section 4(2) of the Public Premises Act was set aside due to its defectiveness in failing to specify the grounds for the proposed eviction. The estate officer was instructed to issue a revised notice within 30 days, detailing the grounds, and the appellants were given the opportunity to submit a response. The merits of the appellants' claims regarding property title were not addressed, as they were considered premature before a response to the notice.



## SHRI SHESH NATH SINGH VS THE UNION OF INDIA [WP.CT/44/2024]

### Bench: Justice Tapabrata Chakraborty, Justice Apurba Sinha Ray

The punishment of dismissal imposed on the petitioner was deemed disproportionate to the misconduct. The petitioner had no prior adverse remarks, and the proved charges did not involve financial loss or moral turpitude. The lengthy disciplinary proceedings lasted over two decades. As a resolution, the dismissal order was set aside, and a lesser punishment of reduction to a lower stage in the pay scale was ordered, with continuity of service for retirement benefits but no back-wages. The substituted punishment would take effect from the date of the original dismissal, as the petitioner had already retired.

### PAWAN KUMAR SHARMA VS UNION OF INDIA [FMA/1980/2014]

### Bench: Justice Tapabrata Chakraborty, Justice Reetobroto Kumar Mitra

Pawan Kumar Sharma's appeal was successful, leading to the reinstatement of his writ petition. The delay in filing the petition in 1996 was justified due to the pending review petition in a similar case, which was dismissed in 1993. The denial of promotional benefits to Pawan was deemed a violation of his fundamental rights under Articles 14 and 16 of the Constitution. Following his retirement in 2011, it was ordered that his pay be fixed in the MMG/S-II scale from September 19, 1977, with pensionary benefits recalculated and revised pension, including arrears, to be disbursed within 8 weeks.

### DIBYAJYOTI GHOSH VS THE COAL INDIA LTD. [MAT/1751/2024]

### Bench: Justice Tapabrata Chakraborty, Justice Reetobroto Kumar Mitra

The competent authority's decision to reject the appellant's promotion claim from 24.12.2013 was upheld, as it complied with the relevant circulars. A pending disciplinary proceeding at the time of the DPC recommendation meant the promotion could only be considered after the proceedings concluded. The penalty of Censure imposed on the appellant was deemed appropriate, and a previous directive for promotion consideration did not establish a legal entitlement to promotion from the specified date. The appeal was dismissed.



## PRIYANGU PANDEY VS THE STATE OF WEST BENGAL [WPA/31014/2024]

#### **Bench: Justice Tirthankar Ghosh**

The writ petition by Priyangu Pandey challenging the continuation of Bhatpara Police Station Case No. 708/24 was dismissed. Evidence from a 9-day investigation, including medical documents and witness statements, supports allegations of obstruction and assault against the police. The continuation of the investigation is permitted.

## MANJURA BIBI VS THE STATE OF WEST BENGAL [WPA/22111/2023]

#### **Bench: Justice Tirthankar Ghosh**

The investigation of the Murutia PS case no. 275/2023 is transferred to the Central Bureau of Investigation (CBI) due to serious allegations of police brutality and possible vendetta. This transfer is intended to ensure an unbiased and comprehensive inquiry, aiming to instill confidence in the complainant. Additionally, investigations of both Murutia PS case nos. 274/2023 and 275/2023 will be conducted by the same CBI officer.



## ANKIT KUMAR KEDIA VS SHARDA DEVI AGARWAL [FAT/4/2024]

### Bench: Justice Ravi Krishan Kapur, Justice Uday Kumar

The trial court's dismissal of the appellants' suit for specific performance of a land sale agreement was upheld on the basis that the appellants did not prove the existence and terms of the agreement, having not produced the original document. An adverse inference was drawn for this non-production. Additionally, the appellants breached essential terms of the agreement by failing to pay the agreed installments on time, making them ineligible for specific performance.

## STATE OF WEST BENGAL VS RUBBER PRODUCTS AND MOULDING COMPANY [FA/84/2019]

### Bench: Justice Sabyasachi Bhattacharyya, Justice Uday Kumar

The appeal by the State of West Bengal was dismissed, while the cross-objection by the Rubber Products and Moulding Company was allowed. The award dated 12th December 2001 was declared invalid due to exceeding the two-year limitation period under the West Bengal Land Acquisition (Amendment) Act, 1997. Despite this, as the land was acquired for public use in 1977, fresh proceedings for determining just compensation were directed, considering the market value as of the 1997 Section 4(1) notification and other relevant factors.

## DURJODHAN PRAMANIK VS THE STATE OF WEST BENGAL [CRA/234/2017]

#### Bench: Justice Soumen Sen, Justice Uday Kumar

The criminal appeal of appellants Durjodhan Paramanik, Haladhar Paramanik, Kanai Paramanik, Dayal Paramanik, Nimai Paramanik, and Balai Paramanik was allowed, and their conviction for the murder of Jayanta Kumar was set aside. The prosecution relied solely on circumstantial evidence, which contained significant inconsistencies and contradictions, particularly in the testimonies of the investigating officers regarding the timeline, recovery process, and confessional statements. The prosecution failed to establish an unbroken chain of circumstances and did not demonstrate a clear motive for the crime. Consequently, the evidence was deemed insufficient to exclude all reasonable hypotheses except for the guilt of the accused, leading to their acquittal.

### NISAR AHMED VS STATE OF WEST BENGAL [CRR/3824/2022]

### Bench: Justice Uday Kumar

The Court dismissed the petitioner Nisar Ahmed's revision application seeking to quash criminal proceedings against him, ruling that the submission of the charge sheet by the investigating officer, based on the evidence gathered against the petitioner, is itself sufficient to defeat the petitioner's prayer for revision on the basis of prior prosecution or case-counter case. The court held that the mere existence of a previous prosecution, contentious relationship between parties, or case-counter case would not automatically affect the sanctity of the current proceedings. After examining the prima facie material on record, including statements from the complainant and witnesses, the court found that a cognizable offense was established against the petitioner. The judgment concluded that claims of false implication alone did not constitute sufficient grounds for abuse of process of the court, and determined that the matter should be properly resolved through trial court proceedings.

# ABITAB CHAWAN @ ABITAB CHAWHAN VS THE STATE OF WEST BENGAL [CRR/213/2024] Bench: Justice Uday Kumar

The petition for quashing of criminal proceedings under Sections 498A and 506 of the Indian Penal Code was dismissed. The allegations in the FIR were deemed to disclose cognizable offenses, including emotional abuse and threats, which can constitute cruelty under Section 498A. Specific details were not required for the continuation of the case. The investigation and trial were allowed to proceed, with an emphasis on expediting the process and encouraging reconciliation through alternative dispute resolution.



## SANTANU CHAKRABORTY VS THE STATE OF WEST BENGAL [CRR/152/2023]

### **Bench: Justice Uday Kumar**

The petition by Dr. Shantanu Chakraborty to quash criminal proceedings was dismissed due to the presence of prima facie evidence linking him to allegations of medical negligence and fraud. The delay in the complaint's initiation is not sufficient grounds for quashing when such evidence exists. The trial should proceed expeditiously.

## 

The revisional application filed by Ibha Roychowdhury resulted in the quashing of a criminal complaint (Complaint Case No. C-20/16) from the Sri Sri Mataji Tirpurananda Tirtha Ashram. The allegations, which included criminal trespass, extortion, and conspiracy, were deemed insufficiently specific and lacked clarity to support a cognizable offense. The matter was characterized as a civil dispute concerning management within the Ashram, indicating that the continuation of criminal proceedings would misuse the judicial process.

## MAHENDRA BAID VS STATE OF WEST BENGAL [CRR/3003/2022]

#### Bench: Justice Uday Kumar

Criminal proceedings against Mahendra Baid under Section 401A of the Kolkata Municipal Corporation (KMC) Act, 1980 were quashed due to non-compliance with Section 620, which mandates that a complaint must come from the Municipal Commissioner or an authorized person. The Assistant Engineer lacked proof of authorization to file the complaint, and there was no conclusive evidence of a "Stop Work" notice being served before the prosecution began. The continuation of the prosecution was deemed an abuse of the legal process.



## BISWANATH DEY VS STATE OF WEST BENGAL [FMA/137/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-court appeal by Biswanath Dey was disposed of after the writ court dismissed the petition due to a pending civil suit. The finding regarding the adjudication of rights was upheld, but the observations about the performance of Durga Puja in 2024 were limited to that year. Parties retain the right to address their claims during the ongoing civil proceedings.

## NATIONAL FEDERATION OF FARMERS€™ PROCUREMENT, PROCESSING AND RETAILING COOPERATIVES OF INDIA LIMITED VS STATE OF WEST BENGAL [MAT/476/2025] ☑

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The rejection of the appellant's technical bid in the tender process was upheld due to the submitted credential certificate not meeting the specified requirements. Tender conditions are not subject to review unless they are discriminatory. The appellant, having participated, cannot later challenge these conditions. The credential certificate submitted by the private respondent was deemed sufficient despite lacking some details. The decision was unanimous.

# NATIONAL FEDERATION OF FARMERS€™ PROCUREMENT, PROCESSING AND RETAILING COOPERATIVES OF INDIA LIMITED (NACOF) VS STATE OF WEST BENGAL [MAT/478/2025] ☑

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The appeal by the National Federation of Farmers' Procurement, Processing and Retailing Cooperatives of India Limited (NACOF) regarding the rejection of its technical bid in a West Bengal tender was dismissed. The tender conditions were deemed acceptable, and the appellants were required to comply with them. Their credential certificate did not meet the specified requirements, which provided no basis for interference with the rejection of their bid.

## ASIT KUMAR AICH VS STATE OF WEST BENGAL [FMA/434/2025]

### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-court appeal was dismissed, upholding the rejection of the writ petition. The appellant did not contest the delay in the supply of goods, and the penalty was applied as per the tender terms. The appeal against the authority's decision to not reduce the deduction was not challenged. No grounds for interference with the order were established, leading to the dismissal of the appeal.

## EASTERN ORGANIC FERTILIZER PVT. LTD. VS STATE OF WEST BENGAL [FMA/620/2025]

#### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The award of a tender by the State Urban Development Agency (SUDA) to a joint venture involving a Multi-State Cooperative Society and a private limited company was upheld. Clause 5.1 of the tender document, which allowed for entities "registered under relevant laws of India," was interpreted to include Multi-State Cooperative Societies. The project involved the disposal of 20 lakh MT of legacy waste and had already commenced. The appeal from the unsuccessful bidder was dismissed due to a lack of grounds for interference with the tender award.

## BASUDEB DAS VS THE STATE OF WEST BENGAL [WPA(P)/107/2025]

#### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The writ petition as a public interest litigation was dismissed, stating that a second writ petition cannot be used to enforce an earlier order, even if that order was not complied with. The state government reported the suit plot's restoration to its original state, which the petitioner's counsel disputed. It was noted that the petitioners should seek remedies through appropriate legal channels instead of filing a second writ petition.

## ABDUL HAKIM MONDAL VS THE STATE OF WEST BENGAL [FMA/422/2025]



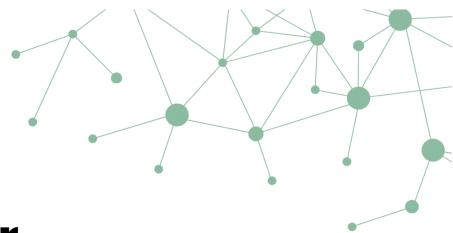
### Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The intra-court appeal by the writ petitioners was dismissed after a writ petition claimed police inaction regarding complaints of interference with land enjoyment, despite a related case pending before a land reforms tribunal. The tribunal had scheduled a hearing, and it was noted that petitioners should have challenged the tribunal's refusal to grant an interim order instead of filing the writ petition. No grounds for interference with the previous order were identified.

## AMAL SEN DAS VS STATE OF WEST BENGAL [MAT/586/2025]

## Bench: Justice T.S. Sivagnanam, Justice Chaitali Chatterjee (Das)

The order of the Single Bench was affirmed, allowing the appellants access to their laptops, study materials, and credentials locked in a property essential for upcoming competitive exams. The 4th respondent, Protium Finance Ltd., was instructed to facilitate access by allowing the appellants to approach their officer to open the property. An officer and local police were to accompany the appellants to retrieve the necessary items, after which the property would be secured, and the keys handed over to the Debt Recovery Tribunal in relation to a separate case. The appeal and related application were disposed of with these directions.



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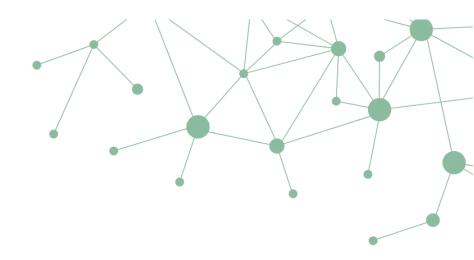
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