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NANDY

(OP)

**In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

WPA 4300 of 2026

**Dibyendu Adhikari  
Vs.  
The State of West Bengal & Ors.**

Mr. Billwadal Bhattacharyua, Sr. Advocate

Mr. Aditya Mondal, Advocate

Mr. Megha Datta, Advocate

Mr. Tamoghna Pramanick, Advocate

.....for the Petitioner

Mr. Sirsanya Bandopadhyay, Ld. S.S.C

Mr. Vivekananda Bose, Ld. J.S.C

Ms. Deboleena Ghosh, Advocate

.....for the State

1. The petitioner, a former Member of Parliament, had taken on rent a particular property for a brief period of time between 2019, possession whereof was handed in January 2020 till about November 2021.
2. Even though the petitioner had made several representations, the dues pertaining to the rent of the said flat had not been intimated to him, on account whereof, the petitioner had filed a writ-petition before this Hon'ble Court. The said writ-petition was disposed of by an order dated 11.08.2022 directing the concerned authority to dispose of the representation of the petitioner by 03.04.2022. The concerned authority disposed of the representation on 06.03.2024.
3. The petitioner has admittedly made payment of the entire amount of ₹12,12,816/- without any protest and/or demur, which has been accepted by the authorities. This payment was made on 03.02.2026.
4. Mr. Bhattacharya, learned Senior Advocate, appearing for the petitioner, refers to a Notification of the Election Commission of India dated 03.05.2024,

bearing number 3/ER/2023/SDR/Vol.IV, to urge that the “No Dues Certificate” has to be issued within a period of 48 hours from the receipt of the request letter, in case dues are not pending or are not due by law. Even if, the deposit made on 03.02.2026 is construed as the date of payment, the “No Due Certificate” ought to have been given by 05.02.2026.

5. Mr. Bandopadhyay, learned Senior Standing Counsel, appearing for the State-respondent, submits that the payment was made almost after a period of two years and since he has been served a copy of the petition only yesterday, he requires some time to take appropriate instruction in the matter.
6. Since this matter has been taken out of turn from the list of Honorable Mr. Justice Krishna Rao which is assigned to this Bench for the day, I am constrained to note that in paragraph 3, of the Notification of the Election Commission dated 03.05.2024, the time to submit the “No Due Certificate” has been fixed as “latest by 3:00 p.m., on the last date of making nominations in the constituency concerned”.
7. Though elections are imminent, no such date has yet been declared, I do not find any reason to take up this matter from His Lordship’s list, at this stage.
8. Parties are at liberty to mention the matter before His Lordship, as and when available.

**(Reetobroto Kumar Mitra, J.)**

