

29.05.2026
Ct. No. 2
S.L. No. 11
Vacation Bench
SM/P.M.

WPA 11980 of 2026
Aryan Dhatu Private Limited & Anr.
Versus
State of West Bengal & Ors.

Mr. Soumya Majumder, ld. sr. adv.
Mr. Pankaj Agarwal
Ms. Champa Pal
.....for the petitioners
Ms. Soni Ojha
Ms. Sambrita B. Chatterjee
.....for the respondent no. 4
Mr. Rajdeep Majumder, ld. sr. adv.
Ms. Madhu Jana
.....for the State

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred praying for direction upon the respondent nos. 2 and 3 to provide immediate and adequate police assistance and protection to the petitioners and their agents, engineers, contractors and representatives for carrying out urgent repair, restoration, waterproofing and drainage reinstatement works at the 6th floor premises of Axis Mall, Action Area-I, New Town, Kolkata.
3. Admittedly, the premises in the present case has been let out to the respondent no. 4, which the petitioner submits has been terminated.
4. The respondent no. 4 submits that they are still in the possession of the premises and a civil dispute is pending between the parties.

5. Learned senior counsel appearing for the State places a report and submits that admittedly there is a civil dispute between the parties and a pre-litigation commercial mediation has taken place between the parties but it has failed.

6. Mr. Majumder, learned senior counsel appearing for the petitioner submits that the repairs as prayed for is of extreme urgency, considering that a snow park was run in the premises, which has now stopped functioning and since then there has been severe water drainage in the said premises which can lead to accidents including electrician and as such urgent repairs are necessary for avoiding such exigency by taking steps for restoration, urgent repair, waterproofing and drainage re-instatement works.

7. Considering that the premises falls within the jurisdiction of the NKDA, the petitioner shall make an application before the NKDA authorities by 30th May, 2026, which the authority shall take up on urgent basis and conduct an enquiry as to the prayer of the petitioner herein in the presence of the parties.

8. Peace be maintained by taking assistance of the local police, if necessary, in case the repair works are permitted.

9. The NKDA shall take a decision in the matter as directed by 1st June, 2026 positively.

10. It is further directed that the respondent no. 4 shall co-operate with the NKDA authorities and the petitioner in case such urgent repairs are found to be necessary, considering that public safety is the topmost priority in cases of such nature.

11. The matter be placed before the Regular Bench and be heard along with WPA 37 of 2026.

[Shampa Dutt (Paul). J]