

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT JALPAIGURI**

17.06.2025  
Sl. No.19  
tkm

**W. P. A. 1242 of 2025**

*[Sarawagi Steel Products Pvt. Ltd. & Anr. -Vs- West Bengal Industrial  
Infrastructure Development Corp. & Ors.]*

Mr. Amalesh Ray, Sr. Adv.  
Ms. A Agarwal  
Mr. Nigam Mittal  
Ms. P Mitra

... .. for the petitioners

Mr. Joyjit Choudhury  
Mr. Hirak Barman  
Mr. Pradip Sarkar

... .. for the State

Mr. Soumabho Ghose  
Mr. Debayan Sen  
Mr. N Odha

... .. for respondent nos. 1-4

1. The petitioners have preferred the present writ petition being aggrieved by:

(a) the notice dated 20.6.2024 issued by the respondent no. 1 for cancellation of an allotment/assignment/termination of lease

(b) the order dated 20.2.2025 for resumption of land and

(c) public notice dated 16.5.2025 inviting the proposals from eligible entrepreneurs for the allotment of 2.069 acres of land at Dabgram industrial park, earlier allotted to petitioner no. 1 (company).

2. Respondent no. 1 (corporation) entered into an agreement dated 2.3.2009 with the petitioner, pursuant to

which the petitioner paid a premium of Rs. 45,51,800/- .Subsequently, one Md. Bajiruddin and two others instituted a Title Suit no. 133 of 2009, seeking an injunction restraining the defendant who is the petitioner in the present case from carrying out any construction activity on the said property. Md. Bajiruddin, the erstwhile owner of the said premises from whom respondent no. 1 had acquired the said land, also initiated writ petition WPA 5209 of 2015, which was disposed of by an order dated 26.03.2015. Owing to the pendency of the aforesaid proceeding, the petitioner was unable to utilize the said land. Respondent no. 1 issued show cause dated 26.12.2023, calling upon the petitioner to explain why the allotment should not be cancelled on the ground of non-utilization. The petitioner submitted a detailed reply dated 10.1.2024. A personal hearing was thereafter granted and the respondent no. 1 prepared the minutes of the meeting dated 22.2.2024. The said minutes of meeting recorded that the petitioner would submit a building plan within three months, complying with all statutory requirements, and complete the construction within 12 months from the date of approval of the plan. A total of 15 months was granted for completion and commencement of the project. Pursuant thereto, the petitioner submitted a building plan to the corporation on 6.5.2024, which was acknowledged on 9.5.2024. The petitioner also paid the annual lease rent

of Rs. 43,946/- on 16.5.2024. Despite compliance, respondent no. 1 issued a notice of cancellation dated 20.6.2024. The petitioner responded with a detailed representation dated 6.7.2024. A further personal hearing was held on 14.8.2024 and minutes of the meeting was circulated on the same day. As per the minutes of the meeting, the petitioner was directed to resubmit the building plan within September 2024 and was granted an extension of eight months to complete construction and a revised building plan shall submit on 25.9.2024. Subsequently the corporation raised objections, including the requirements of safety recommendation. The petitioner deposited the amount quoted by the fire department and the recommendation is still awaited. In the meantime, the respondents passed the order of resumption on 28.2.2025. Thereafter a public auction notice dated 16.5.2025 was issued, inviting proposals from individuals interested in re-allotment of 2.069 acres of land originally allotted to petitioner no. 1.

3. Learned counsel for the respondent submits that the petitioner had entered into an agreement with the respondent in the year 2009. On the pretext of a pending litigation the petitioner has not utilized the land in terms of the conditions prescribed under the agreement. He further submits that the injunction granted in the litigation came to an end in the year 2011 and thereafter also the petitioner did not take any steps to utilize the said land.

He further submits that the petitioner had no GST registration and it shows that the petitioner was not inclined to carry out any activity in terms of agreement entered with the respondent.

4. Learned counsel for the respondent also submits that the building plan submitted by the petitioner was not in accordance with the regulation and that the building plan was more in the form of a query rather than in the form of expected by the respondent corporation.
5. He also submits that the previous communication have been withheld by the petitioner in the present writ petition and that the respondent corporation has been periodically writing to the petitioner to utilize the said land and has been pursuing with the petitioner to act in terms of the agreement entered into between the parties. He further submits that the present action has been taken since the petitioner has failed to comply with the terms of the agreement entered into between the parties.
6. This Court has heard the arguments advanced by the parties. Upon perusal of the record and on consideration of submissions made by the parties, this Court is of the *prima facie* view that the petitioner was prevented from utilizing the land due to circumstances beyond his control including protracted litigation initiated by the third party and the pendency of the requisite statutory clearance. It is not in dispute that the petitioner deposited a substantial amount of Rs 45,51,800/- towards the premium as early

as in the year 2009 and has made efforts to comply with the conditions as stipulated by the respondent authority.

7. In view of above and considering the balance of convenience and inconvenience and the irreparable loss that may be caused to the petitioner in the event of further proceeding pursuant to the impugned order and public notice. This court finds it appropriate to direct the operation of the order of resumption dated 20.2.2025 and the public notice dated 16.5.2025 shall remain stayed for period of four weeks from date.
8. Learned counsel for the respondent seeks and is granted two weeks time to file affidavit-in-opposition. Reply to the same if any, be filed within one week thereafter.
9. List after four weeks before the next circuit Bench.

**(Gaurang Kanth, J.)**