

03.09.2026

Court No.32

Item No.1 - 3

(PP)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

RVW 26 of 2025

with

IA No: CAN/1/2025

IA No: CAN/2/2026

The General Manager/Officer-in-Charge, Sub-District Industrial Centre, Siliguri, Government of West Bengal, Directorate of Micro & Small Scale Enterprises

Vs.

**M/s. North East Ferro Alloys Company
Private Limited & Anr.**

in

MAT 1 of 2020

**West Bengal State Electricity Distribution
Company Limited & Ors.**

Vs.

**M/s. North East Ferro Alloys Company
Private Limited & Anr.**

WITH

RVW 27 of 2025

with

IA No: CAN/1/2025

IA No: CAN/2/2026

The General Manager/Officer-in-Charge, Sub-District Industrial Centre, Siliguri, Government of West Bengal, Directorate of Micro & Small Scale Enterprises

Vs.

**M/s. North East Ferro Alloys Company
Private Limited & Anr.**

in

MAT 73 of 2024

**M/s. North East Ferro Alloys Company
Private Limited & Anr.**

Vs.

**West Bengal State Electricity Distribution
Company Limited & Ors.**

WITH

CPAN 77 of 2025
M/s. North East Ferro Alloys Company
Private Limited & Anr.
Vs.
Abhishek Basak

Mr. Anindya Basu,
 Mr. Kasinath Bhattacharya
for the review applicant/State.

Mr. Krishna Raj Thakker, Sr. Adv.,
 Mr. Rajdeep Mantha,
 Mr. Chhunky Agarwal,
 Mr. Akshay Kumar Jain Sukhani
for the petitioners in CPAN 77/2025
 And
for the respondents in RVW 26/2025 &
 RVW 27/2025.

Mr. Anindya Basu, learned advocate along with Mr. Kasinath Bhattacharya, learned advocate appears on behalf of the State and submits that they will represent the State of West Bengal in the review applications filed on its behalf, being RVW 26 of 2025 and RVW 27 of 2025.

Mr. Basu, submits that the whole review is based on the provisions of Revocation of West Bengal Incentive Schemes and Obligations in the Nature of Grants and Incentives Act, 2025 (hereinafter referred to as “the said Act”). The said Act was promulgated on 2nd April, 2025 while the writ petition was filed in the year 2018. The final order disposing of the writ petition was passed on 22nd February, 2019. The two appeals respectively being MAT 1 of 2020 and MAT 73 of 2024 were disposed of on 18th June, 2025. The said Act, has, therefore, come into

operation much after the filing of the writ petition and the final order disposing of the writ petition. So, on the date when the two appeals were disposed of by the common order dated 18th June, 2025, which is the order impugned under the two review applications, the aforesaid Act had already come into operation, but was not placed before the Court.

Mr. Basu further refers to provisions of Sections 3 and 4 of the said Act and submits that by virtue of the provisions of the said Act all incentives given under any award, judgment or decree has stood extinguished in view of the retrospective operation of the said Act. This leads to a situation that the incentive allowed by the learned Single Judge in the final order passed in the writ petition get wiped away by virtue of the provisions of the said Act.

There are, however, applications, being CAN 2 of 2026, accompanying the two review applications for condoning the delay in filing the review applications. The applications for condonation of delay is objected to by the writ petitioners/respondent nos.1 & 2 in the two review applications.

It is also submitted by Mr. Thakker, learned senior advocate representing the respondent nos.1 & 2, that the constitutional validity of the said Act is already under challenge in writ jurisdiction.

In view of such submission, Mr. Basu seeks an adjournment to take necessary instructions.

The matter is, therefore, adjourned and shall appear on 29th September, 2026.

In the order dated 30th January, 2026, the review application number has been erroneously recorded as RVW 26 of 2026 instead of RVW 26 of 2025.

Let the same be treated as RVW 26 of 2025 in the order dated 30th January, 2026.

(Partha Sarathi Chatterjee, J.) (Arindam Mukherjee, J.)