

(2023) 10 CAL CK 0026
In the Calcutta High Court
Case No : W.P.L.R.T No. 99 Of 2023

Electrosteel Castings Limited

APPELLANT

Vs

Esab India Limited & Ors.

RESPONDENT

Date of Decision : 06-10-2023

Acts Referred:

Constitution Of India, 1950 — Article 226
West Bengal Land Reforms Rules, 1965 — Rule 5A, 5A(6), 5A(8), 5A(10), 5A(11)
West Bengal Land Reforms Manual, 1991 — Rule 162, 164, 166
West Bengal Land Reforms Act, 1955 — Section 4C, 4C(2), 54
Urban Land (Ceiling and Regulation) Act, 1976 — Section 6, 10, 10(3), 20, 20(2)

Citation : (2023) 10 CAL CK 0026

Hon'ble Judges : Debangsu Basak, J;Md. Shabbar Rashidi, J

Bench : Division Bench

Advocate : Abhrajit Mitra, A. Agarwalla, Sarbopriyo Mukherjee, Souradeep Banerjee, D. Mukherji, Saktinath Mukherjee, Saptangshu Basu, Siddhartha Banerjee, Rahul Karmakar, Abhisek Baran Das, Srijoni Chongdar, Amiya Narayan Mukherjee, T.M. Siddiqui, Mrinal Kanti Ghosh

Final Decision : Dismissed

Judgement

Debangsu Basak, J

Introduction

1. The writ petitioner has assailed the order dated July 24, 2023 passed by the West Bengal Land Reforms and Tenancy Tribunal in OA 2011 of 2021 (LRTT).
2. By the impugned order, the Tribunal has held that the writ petitioner was not an interested person in connection with the application for conversion submitted by the private respondent. The Tribunal has also held that there is no irregularity or inconsistency in the order dated July 28, 2021 passed by the Commissioner, Presidency Division as well as the order dated August 28, 2019 passed by the authority under Section 4C of the West Bengal Land Reforms Act, 1955. The Tribunal has dismissed the Original Application.

Contentions of the Writ Petitioner

3. Learned Senior Advocate for the writ petitioner has submitted that, the writ petitioner is an adjacent land owner of the private respondent. The private respondent had applied for conversion under Section 4C of the Act of 1955 read with Rule 5 A of the West Bengal Land Reforms Rules, 1965. The private respondent had sought for conversion of land comprised of 7.45 acres in different plots. Initially, the private respondent had applied for conversion of land from Shali to Commercial/Bastu on May 16, 2018. Subsequently, the private respondent had applied on July 11, 2019 for conversion of such land to Industrial Park. Such applications for conversions had been filed under Form 1A accompanied by such declaration.

4. Learned Senior Advocate appearing for the writ petitioner has contended that the declaration given by the private respondent along with Form 1A was false. Consequently, report under Rule 5A (8) of the West Bengal Land Reforms Rules 1965, has also stood vitiated. He has referred to the report and contended that, although the writ petitioner was recorded at Serial No. 15 at page 250 of the report however, the writ petitioner was never approached for a no-objection certificate. Therefore, according to him, the authorities had acted in violation of the prescribed procedure. The private respondent had perpetuated fraud upon the writ petitioner.

5. Referring to the objections raised by the writ petitioner by the letter dated September 14, 2018 and December 10, 2018, learned Senior Advocate appearing for the writ petitioner has contended that, the authority under Section 4C of the Act of 1955 permitted the application of the private respondent dated July 11, 2019 for conversion without considering the objections.

6. Learned Senior Advocate appearing for the writ petitioner has submitted that, the writ petitioner filed an appeal under Section 54 of the Act of 1955 in which an Interim Order dated February 19, 2020 was passed. The appellate authority dismissed the appeal by the order dated July 28, 2021 which was challenged before the Tribunal resulting in the impugned order.

7. Learned Senior Advocate appearing for the writ petitioner has contended that, the writ petitioner possesses requisite locus standi to question the conversion proceedings. In support of such contention, he has relied upon Section 4C (2) of the Act of 1955, the frequently answered questions in relation to conversion of land as available in the website, Rules 5A (6) and 5A (8) of the Rules of 1965, Rule 164 of the Manual of 1991 and the prescribed format of the report under Rules 5 (8), 5 A (10) and 5A (11) of the Rules of 1965.

8. In respect of his contention with regard to locus standi of the writ petitioner, learned Senior Advocate appearing for the writ petitioner has relied upon 2000 Volume 7 Supreme Court Cases 552 (M.S. Jayaraj vs. Commissioner of Excise, Kerala and Others), 2005 Volume 3 Supreme Court Cases 683 (Sai Chalchitra vs. Commissioner, Meerut Mandal and Others), 1979 Volume 1 Calcutta Law Journal

489 (Sanatan Roy vs. The Municipal commissioners of Dum Dum Municipality & Ors.), All India Reporter 2015 Calcutta 112 (Prabhat Pan and Others vs. State of West Bengal and Others) and 1984 Volume 1 Calcutta High Court Notes 110 (Samarendra Nath Bose vs. State of West Bengal).

9. Learned Senior Advocate appearing for the writ petitioner has contended that, the land in question was involved in vesting proceedings under the Urban Land (Ceiling and Regulation) Act, 1976. He has referred to the order dated April 19, 2021 and October 29, 1992 issued under Section 20 of the Act of 1976.

10. Relying upon 1996 Volume 2 Calcutta Law Journal 285 (Paschimbanga Bhumijibi Krishak Samiti & Ors. vs. State of West Bengal & Ors.) learned Senior Advocate appearing for the writ petitioner has contended that, the Act of 1955 has no application in respect of matters covered, under the Act of 1976. He has contended that, the land in question is excess vacant land under the Act of 1976 and that the private respondent made a false declaration in their application for conversion.

11. Learned Senior Advocate appearing for the writ petitioner has relied upon AIR 2000 Supreme Court 843 (Special Officer & Competent Authority, Urban Land Ceilings vs. P.S. Rao), 1996 Volume 9 Supreme Court Cases 633 (Darothi Clare Parreira and Others vs. State of Maharashtra and Others) and 2016 SCC OnLine Calcutta 3409 (Well Wisher Electronics P. Ltd. & Anr. vs. State of W.B. & Ors.) in support of the proposition that grant of permission under Section 20 of the Act of 1976 presupposes that provisions of Section 6 to 10 of the Act of 1976 have been invoked and determination of excess vacant land under Section 10 had taken place.

12. Learned Senior Advocate appearing for the writ petitioner had contended that, the private respondent will not utilize the land as industry or factory or for manufacturing purposes. He has also referred to the provisions of the Act of 1976 and contended that, there was an error in the order dated August 28, 2019 passed under Section 4C of the Act of 1955. Moreover, since the writ petitioner was not heard, there has been a breach of the principles of natural justice. In support of such contention he has relied upon 1986 Volume 4 Supreme Court Cases 537 (Institute of Chartered Accounts of India vs. L.K. Ratna and Others).

Contentions of the Respondent No. 1.

13. Learned Senior Advocate appearing for the respondent No. 1 has questioned the locus of the writ petitioner to oppose or resist the conversion of the land owned by the respondent No. 1. He has contended that, the writ petitioner has no interest in the land in question. The memorandum dated February 5, 2015 issued by the Land & Land Reforms Department has no requirement for obtaining a no-objection certificate from an adjacent plot owner for conversion of land. Moreover, according to him, the writ petitioner has not been able to demonstrate the nature of prejudice caused or likely to be caused by the conversion.

14. Learned Senior Advocate appearing for the respondent No. 1 has contended that, the contention of the writ petitioner that, it will have a preferential right to allot the land in the event of exemption under the Act of 1976 is not granted, is misplaced. He has referred to the notification dated July 13, 1982 to contend that, the writ petitioner has no such preferential right. In any event, the land has not vested with the State. The writ petitioner has been unsuccessful before the competent authority under the Act of 1976 as also the appellate authority.

15. Learned Senior Advocate appearing for the respondent No. 1 has contended that, loss of commercial interest on conversion of the land will not vest the writ petitioner with locus. He has contended that, the writ petitioner failed to disclose any locus standi. He has relied upon 1976 Volume 1 Supreme Court Cases 671 (Jasbhai Motibhai Desai vs. Roshan Kumar, Haji Bashir Ahmed and Others), 1979 Volume 1 Calcutta Law Journal 258 (Mukund Shah vs. Golden Polyester Industries Pvt. Ltd.), 2013 Volume 4 Supreme Tribunal Cases 465 (Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra and Others) and 1977 Volume 1 Supreme Court Cases 486 (Mani Subrat Jain and Others vs. State of Haryana and Others) in this regard.

16. Learned Senior Advocate appearing for the respondent No. 1 has contended that, there was no breach or violation of the land use in view of Clause 8.5 of the Land Use and Development Control Plan as the land in question falls under Zone 1-2 Ward No. 20 of Khardaha Municipality which permits utilization of such land as an industry.

17. Learned Senior Advocate appearing for the respondent No. 1 has contended that, there was no breach or violation of Rule 5A of the West Bengal Land Reforms Rules, 1965. He has contended that, none of the impediments exist. The authorities had heard the writ petitioner despite no requirement to do so under Rule 5A (10) of the Rules of 1965.

18. Referring to Section 4C of the Act of 1955, the learned Senior Advocate appearing for the respondent No. 1 has contended that, such contention was introduced to the statute on March 24, 1986 whereas, the respondent No. 1 was using the land in question as an industry for several decades prior thereto. Consequently, Rule 164 of the West Bengal Land Reforms Manual, 1991 has no manner of application and that, Rule 166 thereto applies.

19. Learned Senior Advocate appearing for the respondent No. 1 has contended that, so far as the alleged violation under the Act of 1976 is concerned, the writ petitioner had lodged a complaint with the authority on January 30, 2019. The writ petitioner had also approached the High Court. The High Court had directed the competent authority to dispose of the same which it did by an order dated January 15, 2020 dismissing the complaint. The writ petitioner had preferred an appeal therefrom which was dismissed on April 19, 2021. The writ petitioner had filed a writ petition assailing the order dated April 19, 2021 which is pending.

20. Learned Senior Advocate appearing for the respondent No. 1 has referred to

Section 20 (2) of the Act of 1976 and contended that, such provisions are not attracted as, withdrawal of exemption was not prayed for. Moreover, neither the predecessor in interest of the respondent No. 1 nor the respondent No. 1 has any excess vacant land. He has relied upon 2003 volume 7 Supreme Court Cases 336 (State of Maharashtra and Another vs. B.E Billimoria and Others), to contend that, even if the whole plot is vacant or if a portion of the total area is not permitted to be covered under the Municipal Law, the same is to be excluded from the definition of vacant land. According to him, the West Bengal Municipal Building Rules has prohibited erection of structure over a major portion of land and therefore, such portion of the land cannot come within the definition of vacant land under the Act of 1976. In any event, exemption granted under Section 20 of the Act of 1976 is not a conclusive proof that there exist excess vacant land at the premises. In support of such contention he has relied upon AIR 2000 Supreme Court 843 (Special Officer & Competent Authority, Urban Land Ceilings and Another vs. P. S. Rao).

21. Learned Senior Advocate appearing for the respondent No. 1 has contended that, none of the ratio of the judgements relied upon by the writ petitioner applies to the facts of the present case.

Findings

22. One Shyama Prosad Bose had owned the land in question. He had by 22 several registered Deed of Conveyance sold the property to Indian Oxygen Limited between the period August to October 1956. Indian Oxygen Limited had set up a manufacturing unit on the land in question for manufacturing electrodes. Such manufacturing unit had run till 1993.

23. India Oxygen Limited had obtained exemption under Section 20 of the Act of 1976 for sale of such land on October 22, 1992. By a registered Deed of Conveyance, Indian Oxygen Limited had sold the land in question to the respondent No. 1 on March 16, 1993. The writ petitioner had purchased a demarcated portion of land from the respondent No. 1 on July 18, 2003.

24. The respondent No. 1 had closed its factory from July 15, 2015. The respondent No. 1 had applied with the Additional District Magistrate (Land Reforms) (ADM (LR) and District Land and Land Reforms Officer (DL&LRO), Barasat for conversion of the balance land from Shali, Doba and Shali to Commercial/Bastu sometime in May 2018. The concerned Block Land and Land Reforms Officer (BL&LRO) had submitted a proforma report on the application of the respondent No. 1 for conversion indicating that the proposed conversion was unlikely to affect the writ petitioner in any manner.

25. The writ petitioner had raised objections to the proposed conversion on September 14, 2018. On December 10, 2018 the writ petitioner had written to the ADM (LR) and DL&LRO reiterating their objection to the conversion. The respondent No. 1 had replied to the objection of the writ petitioner by a letter dated December 19, 2018. The writ petitioner had responded thereto by a letter

dated January 9, 2019.

26. By a letter dated January 30, 2019 the writ petitioner had complained to the Urban Land Ceiling Department claiming that there were alleged violation of the conditions of grant of exemption under the Act of 1976. The writ petitioner, by a letter dated May 17, 2019, made a representation to the BL&LRO resisting the conversion of the land. In or about July 2019 the respondent No. had modified their application for conversion with a prayer for change of character of the land from Shali to Industrial Park. The writ petitioner had objected thereto by a writing dated August 7, 2019.

27. By an order dated August 28, 2019, ADM (LR) and DL&LRO allowed the conversion application of the respondent No. 1. The authorities had issued a conversion certificate on September 2, 2019 regarding the conversion of land from Shali to Industrial Park. The writ petitioner had preferred an appeal against the order dated August 28, 2019 which was registered as Appeal No. 2 of 2019 on October 1, 2019.

28. Complaining that, the representation dated January 30, 2019 filed under the Act of 1976 was not being considered, the writ petitioner had filed a writ petition being WPA No. 14200 of 2019 which was disposed of by an order dated November 8, 2019 directing the competent authority to consider the representation of the writ petitioner.

29. By an order dated January 15, 2020, the competent authority under the Act of 1976 dismissed the representation of the writ petitioner. The writ petitioner preferred an appeal therefrom which was dismissed by an order dated April 19, 2021.

30. The appellate authority under the Act of 1955 dismissed the appeal of the writ petitioner on July 28, 2021 which was challenged before the Tribunal and which has resulted in the impugned order.

Locus Standi of the writ petitioner.

31. The respondent No. 1 has questioned the locus of the writ petitioner to approach the Tribunal as done and also this Hon'ble Court under Article 226 of the Constitution of India. On the issue of locus standi the parties have referred to various authorities.

32. Jashbhai Motibhai Desai (supra) has observed that, Article 226 has been couched in comprehensive phraseology to enable the High Court to reach injustice wherever it is found. It has observed that, although jurisdiction under Article 226 in general and certiorari in particular is discretionary, a strict ascertainment, at the outset, of the standing of the petitioner to invoke the extraordinary jurisdiction must be insisted upon. In order to have the locus standi to invoke the extraordinary jurisdiction under Article 226, an applicant should ordinarily be one who has a personal or individual right in the subject matter of the application, though in the case of habeas corpus or quo warranto

such rule is relaxed or modified. As a general rule, infringement of some legal right or prejudice to some legal interest inhering in the petitioner is necessary to give him a locus standi in the matter. It has recognised that, a person who has been prejudicially affected by an act or omission of an Authority, even though he has no proprietary or even fiduciary interest in the subject matter, can maintain a writ petition. In exceptional cases even a stranger or a person who was not a party to the proceedings before the Authority, but has a substantial and genuine interest in the subject matter of the proceedings will be entitled to apply.

33. In *Mani Subrat Jain (supra)* the Hon'ble Supreme Court has held that, no one can ask for a mandamus without a legal right. It has also held that, there must be a judicially enforceable right as well as a legally protected right before one suffering a legal grievance can ask for a mandamus. It has observed that, a person can be said to be aggrieved only when a person is denied a legal right by someone who has a legal obligation to do something or to abstain from doing something.

34. The Division Bench of this Hon'ble Court in *Mukand Shah (supra)* has held that, the applicant therein failed to establish that he was directly and legally interested in the question relating to the withholding of the release of the goods claimed by the writ petitioner.

35. The Division Bench of this Hon'ble Court in *Sanatan Roy (supra)* has held that, as an elector the writ petitioner had a locus standi to apply under Article 226 to restrain the Commissioner of a Municipality from acting ultra vires. It has observed that, every elector of a Municipality has real interest in seeing that the municipal affairs are carried on in accordance with law. In case a Municipality has acted ultra vires, a resident of the municipal area who is also a municipal voter is certainly seriously prejudiced and he need not prove special damage by way of nuisance or annoyance to him.

36. The Single Bench in *Samarendra Nath Bose (supra)* has found in the facts of that case that the writ petitioner was deprived of the opportunity of being heard through written representation and possessed legitimate expectation of getting such hearing and was therefore found to be with sufficient interest to maintain the writ petition.

37. *M. S. Jayaraj (supra)* has observed that, the Hon'ble Supreme Court shifted from the earlier strict interpretation regarding locus standi adopted in *Jasbhai Motibhai Desai (supra)* and a much wider canvas has been adopted in later years regarding a person's entitlement to move before the High Court involving the writ jurisdiction. In the facts of that case, the Hon'ble Supreme Court has found that, the order of the Excise Commissioner was passed in violation of law.

38. *Sai Chalchitra (supra)* has held that, a person in the same trade has a right to seek the cancellation of the license granted being in violation of the Act and the Rules concerned.

39. The Full Bench of this Hon'ble Court has held that, a writ petition challenging any action or inaction on the part of the transport authorities in dealing with complaints where allegation in relation to acts of other operators in plying their vehicles for carrying passengers is maintainable, provided that, the substance of the challenge is not founded only on the commercial interest of the existing operators being prejudiced by the acts complained of.

40. Ayaubkhan Noorkhan Pathan (supra) has held that, a stranger cannot be permitted to meddle in any proceeding unless he satisfies the Court that he falls within the category of aggrieved person. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the writ petitioner that there has been a breach of statutory duty on the part of the authorities. The existence of a legal right, is the foundation of the exercise of writ jurisdiction. It has explained that, a legal right means an entitlement arising out of legal rules. It has also explained the expression "person aggrieved" to mean that, it does not include a person who has suffered a psychological or an imaginary injury and that a "person aggrieved" must necessarily be a person whose right or interest has been adversely affected or jeopardised.

41. A person approaching the Writ Court under Article 226 of the Constitution has to establish that his legal right has been infringed or that he has been prejudiced as to his legal interest by any action, inaction or non-action of an Article 12 Authority, to be entitled to maintain a writ petition. The writ petitioner, in such a situation, may be a stranger or not a person to the proceedings or without any proprietary or fiduciary interest in the subject matter but must establish sufferance of legal injury or prejudice as to his legal interest. As has been observed in Ayaubkhan Noorkhan Pathan (supra), "a person who raises a grievance, must show how he has suffered legal injury. Generally, a stranger having no right whatsoever to any post or property, cannot be permitted to intervene in the affairs of others."

42. Two statutes, namely, provisions of the Act of 1976 and the Act of 1955 under which, adjudicating authority specified thereunder, have allegedly prejudicially affected the rights of the writ petitioner, have been cited as foundational basis for the locus standi of the writ petitioner to maintain the writ petition. The writ petitioner had preferred an appeal under Section 54 of the Act of 1955 against an order of conversion to the appellate authority and having been unsuccessful therein approached the Tribunal for redressal of its grievances.

43. The land in question is owned by the respondent No. 1 and has been recorded as Shali in the record of rights. The respondent No. 1 had applied for conversion of the land under Section 4C of the Act of 1955 from "Shali" to "Industrial Park". The writ petitioner had opposed such prayer for conversion before the authority. After hearing the writ petitioner, the authority had rejected such objection on the ground that, setting up of Industrial Park was related to industrial activity and that, therefore conversion does not contradict Rules

contained in paragraph 25.4 of Chapter 25 of the "Land Use and Development Control Plan" of the Municipality under the provisions of the West Bengal Town & Country (Planning and Development) Act, 1979.

44. The writ petition had assailed the order of the appropriate authority allowing the conversion of the land under Section 4C of the Act of 1955, under Section 54 thereof, before the appellate authority. The appellate authority had found that there was a closed industrial unit on the land in question and that, the land pattern use of the land in question changed from "Shali" character over a period of time. It has also held that, there was nothing on record to show that, conversion of the land in question as prayed for by the respondent No. 1 if allowed would not cause any inconvenience to any adjoining landowner including the writ petitioner.

45. This order of the appellate authority under Section 54 of the Act of 1955 dated July 28, 2021 had been assailed by the writ petitioner before the Tribunal. The Tribunal by the impugned order dated July 24, 2023 has held that, although the provisions of Section 4C was inserted in the Act of 1955 with retrospective effect from August 7, 1969, the actual conversion of the land in question from its character "Shali" to "industry" was held during the period 1956-1957 in terms of the enquiry report of the BL & LRO. Indian Oxygen Limited being the predecessor in interest of the respondent No. 1 had been using the land in question as an industry since then. The Tribunal has held that, on the date of application for conversion, that is, on July 11, 2019, the land in question was already in use by both the respondent No. 1 as well as the writ petitioner as "industry". The Tribunal has also held that, there is hardly any scope of inconvenience to the residents of the locality and that the writ petitioner will not be inconvenienced if the conversion as prayed for was allowed.

46. The Tribunal, in the impugned order, has held, that, the writ petitioner cannot be an "interested person" in terms of provisions under Section 4C of the Act of 1955, Rule 5A of the West Bengal Land Reform Rules, 1965 and Rules 162 and 164 of the West Bengal Land Reforms Manual, 1991.

47. The Tribunal, in the impugned order, has discussed the provisions of the Act of 1955, Rule 5A of the West Bengal Land Reform Rules, 1965 and Rules 162 and 164 of the West Bengal Land Reforms Manual, 1991. Additionally, it has taken into consideration the Memo dated February 5, 2015 of the State Government where, the State Government decided that, system of obtaining no objection from the adjacent plot holders should be discontinued and instead adjacent plot holders may be called for hearing.

48. The land in question had been converted to industrial use much prior to the provisions of Section 4C of the Act of 1955 coming into being. Therefore, the application for conversion is one which records the actual use of the land in question. The application for conversion has not been established to be contrary to the ground reality. No right of the writ petitioner has been established to be

infringed even remotely. On the contrary, the writ petitioner has come to possess a land coming out of the parent plot which was used for industrial purposes prior to the conversion. The writ petitioner has admitted to be carrying out industrial activity from the plot owned by it. Therefore, conversion as prayed for by the respondent No. 1 has rightly been allowed right up to the Tribunal stage for cogent reasons. No material has been placed before us to take a contrary view.

49. The other aspect with regard to the so-called violation of the provisions of the Act of 1976 has been held by the Tribunal not to be within its jurisdiction and rightly so. In any event, the writ petitioner has not been successful with regard to the challenge thrown under the Act of 1976 also before the appropriate authority.

50. The writ petitioner does not satisfy the test of having locus standi so as to maintain an action against the respondent No. 1 in respect of the application for conversion of the land in question.

Urban Land Ceiling

51. The ratio of L. K. Ratna (supra) has no manner of application in the facts and circumstances of the present case as, the writ petitioner has failed to establish that any prejudice was caused to it for the alleged breach of the principles of natural justice. Moreover, the decision of the appropriate authority, the appellate authority as well as the Tribunal are well reasoned and was passed after hearing the writ petitioner.

52. The Court has been informed that there is a Civil Appeal pending before the Hon'ble Supreme Court with regard to Paschimbanga Bhumiijibi Krishak Samiti & Ors. (supra).

53. P. S. Rao (supra) has held that an application for grant of exemption under Section 20 of the Act of 1976 is maintainable even after excess land has been declared and such excess land has vested in the State under Section 10 thereof.

54. Darothi Clare Parreira and Others (supra) has also dealt with the provisions of Act of 1976. It has observed that, under the scheme of the Act of 1976, on publication of the notification under Section 10 (3) and after putting a date from which the land stands vested in the State and after publication of the notification in the gazette and on and from the date mentioned therein, the excess land stands vested in the State free from all incumbrances subject to decision in appeal if any fall according to law.

55. Well Wisher Electronics P. Ltd. & Anr. (supra) has dealt with the provisions of the Act of 1976 in the context of an order of the competent authority withdrawing the exemption granted under Section 20 of the Act of 1976.

56. Proprietary of order granting conversion under the Act of 1955 has been assailed. Infractions, if any, of the Act of 1976, is not the subject matter of the present proceedings and the Tribunal has correctly held that, the same is outside

the purview of its jurisdiction. Consequently, authorities cited on the subject of alleged infraction of the provisions of the Act of 1976, have no manner of application.

Conclusion

57. The writ petitioner has no merits regarding its claims as correctly held by the Tribunal in the impugned order.

58. W.P.L.R.T No. 99 of 2023 not being maintainable and without any merits is dismissed without any order as to costs.

59. I agree.