
(2018) 01 CAL CK 0166
In the Calcutta High Court
Case No : 1397(W) of 2018

M/s. Ambuja Cements Limited & anr

APPELLANT

Vs

State of West Bengal & ors.

RESPONDENT

Date of Decision : 31-01-2018

Acts Referred:

Citation : (2018) 01 CAL CK 0166

Hon'ble Judges : Debangsu Basak

Bench : Single Bench

Advocate : S. N. Mukherjee, S. P. Lahiri, Sayan Ganguly, Shounak Mitra, Ayan Banerjee, Abhratosh Mujumdar, Prithu Dudhoria, Avra Mazumder

Judgement

1. The petitioners seek release of Industrial Promotion Assistance (IPA) under the West Bengal Incentive Scheme, 2000 (WBIS) in favour of the first petitioner.
2. Learned senior Advocate appearing for the petitioners submits that, the first petitioner is entitled to IPA for five years. The first petitioner has been paid for two years. For the third year, a portion has been paid which consequently means that, the balance portion stands admitted. The balance portion is yet to be disbursed. The petitioners have lodged a claim in respect of the remaining years. The authorities are yet to take a decision thereon.
3. The State is represented by the learned Additional Advocate General. The respondent no.2 is also represented.
4. In the facts of the present case, interest of justice would be subserved by requesting the first respondent to consider and decide the claim lodged by the petitioner, inter alia, by the writing dated July 14, 2017 in accordance with law.
5. The first respondent will afford a reasonable opportunity of hearing to the petitioners. He will be at liberty to consult such documents which he deems necessary. He will pass a reasoned order which he will communicate to the parties forthwith thereafter.

6. It is expected that, the first respondent completes the entire exercise within a period of six weeks from the date of communication of this order to him.
7. At this stage, learned senior Advocate for the petitioners point out that, in addition to the claim of IPA, the first petitioner has a claim on account of waiver of electricity duty. He refers to a writing dated March 18, 2016 in this regard.
8. Learned Additional Advocate General submits that, such claim may be referred to the Director, Electricity Duty for decision.
9. In such circumstances, so far as the claim for waiver of electricity duty made by the first petitioner is concerned, the same may be considered by the Director, Electricity Duty.
10. The Director, Electricity Duty will afford a reasonable opportunity of hearing to the petitioners. He will be at liberty to consult such documents which he deems necessary. He will pass a reasoned order which he will communicate to the parties forthwith thereafter.
11. It is expected that the Director, Electricity Duty completes the entire exercise within a period of six weeks from the date of communication of this order to him.
12. WP No.1397(W) of 2018 is disposed of.
13. No order as to costs.
14. Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.