

WPO/371/2026

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ALLIANCE BROADBAND SERVICES
PVT. LTD.

-VERSUS-

STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA DUTT (PAUL)

Date : 13th August, 2026.

Appearance:

Ms. Sanjukta Dutta, Adv.

Mr. Shameek Ray, Adv.

Ms. Shaista Iqbal, Adv.

...for the petitioner.

The Court: Affidavit of service filed in Court be taken on record.

None appears on behalf of the respondents.

The petitioner has preferred the instant writ application being aggrieved by the orders dated 22nd May, 2026 and 24th June, 2026 passed by the respondent no.2.

Vide the impugned order dated 22nd May, 2026 the learned Referee under the West Bengal Shops & Establishment Act, 1963 being the respondent no.2 herein, has closed the leave granted to the petitioner/opposite party company to file written statement on the ground that despite sufficient opportunity granted to the petitioner/opposite party company, it has failed to file the same.

It is submitted by the petitioner that they were ready with the written statement but wrongly noted the time of appearance before the learned Referee and by the time they appeared the impugned order was passed.

It is further submitted that the written statement prepared by the petitioner/opposite party company contains the issue of maintainability application to be filed before the learned Referee and other objections. As such, it is submitted by the petitioner that if they are permitted to file the written statement, there would be no need of filing a separate maintainability application. Learned counsel for the petitioner also submits that the matter has been fixed for further consideration before the learned Referee tomorrow at 1:30 p.m.

Considering the submissions made on behalf of the petitioner and the nature of the order sought to be impugned herein, this Court, in the interest of justice, sets aside the order dated 22nd May, 2026 passed by the respondent no.2 herein with a direction upon the petitioner/opposite party company to file their written statement before the learned Referee tomorrow i.e., the date already fixed by the learned Referee for filing of maintainability application. The petitioner shall be present along with a server copy of this order before the learned Referee and file the written statement. The learned Referee shall accept the same and proceed with the case in accordance with law.

So far as the order for filing of separate maintainability application is concerned, the same is also hereby set aside. However, the date and time as already fixed by the learned Referee shall remain unaltered.

Accordingly, WPO/371/2026 stands disposed of.

(SHAMPA DUTT (PAUL), J.)