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December 18,
2020

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
(Via Video Conference)**

W.P.A. No. 10461 of 2020

**CIVTECT (INDIA) Pvt. Ltd. and another
Versus
The State of West Bengal and others**

Mr. Pratik Dhar,
Mr. Ritwik Pattanayak.
...for the petitioners.

Ms. Chama Mukherjee,
Mr. Srikanta Paul.
...for the State.

The petitioners' grievance is primarily that despite the petitioners having worked contractually on a project for beautification of the riverfront, such work had to stop due to a devastating inundation caused by high tide occurring on August 1, 2019, which had the consequence of NH (National Highway) 117 being closed for about three months. It was subsequently found that the work already done by the petitioners, although somewhat instrumental in arresting the devastation, had been substantially washed out due to the calamity. In such a situation, the petitioners approached the appropriate authorities for disbursal of the amounts due on the bills of the work already done by the petitioners.

The respondents, it is submitted, are yet to take a decision thereon, thereby causing financial distress to the petitioners and holding up further work of beautification as well.

Learned counsel appearing for the respondent-authorities submits that although the respondents have no objection in principle to consideration of the petitioners' representation but initial inspections did not reveal the actual work that had been done by the petitioners. Such last contention of the respondent-authorities is disputed by learned senior counsel appearing for the petitioners, who submits that the memoranda of the respondents speak otherwise.

Be that as it may, it appears that there has been a game of passing the bulk along the line of hierarchy of the respondent-authorities, since the engineers of the P.W.D., of various designations, have been postponing the matter indefinitely, ultimately resulting in the bills of the petitioners being not addressed till date.

Lastly, as it appears from the averments in the writ petition in paragraph no.14 at page 11 thereof, the Superintending Engineer, Southern Circle, Public Works Department forwarded the petitioners' bills vide office Memo no.3402 dated December 23, 2019 to the Superintending Engineer. Subsequently, the

Superintending Engineer has referred the matter to the Additional Chief Secretary, P.W.D, Government of West Bengal (respondent no.2 herein).

In the circumstances, WPA 10461 of 2020 is disposed of by directing the respondent no.2 to consider immediately the memorandum of the petitioners annexed at page 226 of the present writ petition, dated September 30, 2020 and to take a decision on the said memorandum with a view to an early disbursal of the pending bills of the petitioners, to which the petitioners are entitled in law. Such decision shall be arrived at by the respondent no.2, if necessary, upon hearing the petitioners, within three weeks from date. The decision taken by the respondent no.2 thereon shall be communicated to the petitioners immediately thereafter.

There will be no order as to costs.

Urgent website certified copies of this order, if applied for, be given to the parties upon compliance of all formalities.

(Sabyasachi Bhattacharyya, J.)