

7th April,
2021
(AK)
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W.P.A. 3729 of 2021

(Via Video Conference)

Swapan Kumar Mallick

Vs.

The Legal Remembrancer,
Government of West Bengal & Ors.

Mr. Supratim Dhar

Mr. Dhananjay Nayak

Ms. Sudeshna Das

...For the Petitioner.

Mr. Pantu Deb Roy

Mr. Subrata Biswas

...For the State.

Learned counsel for the petitioner argues that although the admitted outstanding bill amount of the petitioner, who acted as an advocate for the State, is Rs. 24,41,385/- as on September 18, 2020, subsequently only Rs. 2 Lac out of the said amount was disbursed to the petitioner after deduction of TDS therefrom.

Learned counsel appearing for the State, in his usual fairness, submits that the State is ready to clear the bill amount but due to the present fund crunch as well as the continuing election process, it will be difficult to refund the entire amount before three months.

In view of such fair submission, W.P.A. 3729 of 2021 is disposed of by directing the respondent no.1 to disburse the admitted outstanding dues of Rs. 24,41,385/- to the petitioner in three equal monthly

instalments, the first of which instalments shall be paid by May 15, 2021.

Respondent no.1 shall thereafter disburse the remaining instalments by the 30th of each succeeding month till the full dues of the petitioner are cleared off.

The parties shall act on the communication of the learned advocates and/or server copy of this order, without insisting upon prior production of a certified copy.

However, it is made clear that if there are any additional disputed dues in favour of the petitioner, the petitioner is given liberty to approach the respondent no.1 by raising appropriate bills and, if so approached, respondent no.1 shall consider such disbursal upon being prima facie satisfied on the materials produced by the petitioner.

There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)