

Court No. 24

09.03.2021

(Item No. 144)

(AB)

W.P.A 4878 of 2021

Bengal Co-operative Engineers' Construction Society
Limited & Anr.

vs

The State of West Bengal & Ors.

Mr. Ashit Kumar Chakraborty

Mr. Sunanda Mohan Ghosh

..... for the petitioners

Mr. Ankit Sureka

Mr. Partha Sarathi Pal

..... for the State

Affidavit of service filed in Court today is taken
on record.

The grievance of the petitioners is that the
Uttar Dinajpur Zilla Parishad is not releasing the
balance funds for the work that they performed in
terms of the work orders, which was issued in their
favour for the preparation of the Detailed Project
Reports for proposed bridges.

It appears that the total bill raised by the
petitioners amounted to Rs.65,50,219.51 out of which
a sum of Rs.20,86,814/- has been released in favour
of the petitioners. A balance payment of
Rs.44,63,405.51 is due and pending. The petitioners
prayed for releasing the balance amount, along with
interest, by filing representations one after the other.

The grievance of the petitioners is that neither
payment has been released in their favour nor the
representations filed by the petitioners have been
answered by the respondents till date.

None appears on behalf of the Uttar Dinajpur Zilla Parishad despite service.

As it appears that representation made by the petitioners and their learned advocate is pending consideration at the end of the respondent authority, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the respondent No. 5, being the Additional District Magistrate (ZP) and Additional Executive Officer of the Uttar Dinajpur Zilla Parishad to take a decision with regard to the prayer of the petitioners for releasing the balance funds in respect of the work performed by them in terms of the work order issued in their favour, strictly in accordance with the relevant rules/guidelines/circulars at the earliest, but positively within a period of four months from the date of communication of a copy of this order. The said respondents shall grant an opportunity of hearing to the petitioners or their authorized representative prior taking a decision in the matter.

It is made clear that this Court has not entered into the merits of the claim made by the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

The petitioners are directed to forward a copy of the representations dated 11.06.2020 and 15.12.2020 along with supporting documents in support of their claim, to the aforesaid respondent at the time of communicating the order of the Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon completion of usual legal formalities.

(Amrita Sinha, J.)