

S/L 14
17.08.2021
Court. No. 19
srn

W.P.A. 8392 of 2021

M/s. Contech Engineering Enterprise
VS
Howrah Municipal Corporation & Ors.

Mr. Ayan Banerjee
Ms. Debjani Sengupta

...for the Petitioner.

Mr. Sandipan Banerjee,
Mr. Ankit Sureka

...for the H.M.C.

The writ petitioner is a proprietorship firm, who was engaged to do some civil construction work by the Howrah Municipal Corporation. The work executed by the petitioner was improvement of Bituminous Macadam Road and Drain at entire Sarkhel Para Lane at Bally Zone under Howrah Municipal Corporation (Bally Sub Office) – Sl. No.12 of NIT and improvement of Bituminous Macadam Road and Drain at entire Kailash Banerjee Lane at Bally Zone under Howrah Municipal Corporation (Bally Sub Office) – Sl. No.14 of NIT.

According to the petitioner, the work has been completed as per the requirement of the corporation. The final bill was submitted. The petitioner claims to have obtained a reply from the SPIO under the Right To Information Act wherein it was stated that the final bills were prepared by the corporation amounting to Rs.19,06,838/- for both work orders, but the amount has not been sanctioned for payment.

Mr. Banerjee, learned advocate appearing on behalf of the Howrah Municipal Corporation submits that the ultimate decision with regard to the correctness, final sanction of the bill and disbursement, rests with the Commissioner. The Commissioner has not yet decided the issue.

Having heard the rival contentions of the parties, this Court is of the opinion that the petitioner should be paid for the work that has been completed. The final bill is admittedly pending before the corporation. The same has not yet been disposed of by the Commissioner. There is urgency in the matter as the contractor cannot be deprived of his legitimate dues.

The writ petition is disposed of with a direction upon the Commissioner of Howrah Municipal Corporation or his delegatee, to consider and dispose of the grievances of the petitioner with regard to the non-payment of the final bill on the basis of the bills submitted before the corporation. The corporation shall release the admitted amounts and if there are issues and/or disputes with regard to the payment of the entire amount, the petitioner shall be given a hearing and thereafter informed about the discrepancies and the disputes by passing a reasoned order. The petitioner shall be given an opportunity to justify and/or rectify the bills if situation so arises.

The entire exercise shall be completed within a period of six weeks from date of communication of this order, including the payment of the admitted amount.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)