

Ct. 13
Item No.87
14.07.2021
(suvendu)

WPA 10989 OF 2021

**M/s. Comtech Solution & Anr.
Vs.
University of Gour Banga & Ors.**

(Via Video Conference)

Mr. Srijib Chakraborty
Mr. Suvranil Saha
....for the petitioners

Mr. Amitava Chaudhuri
Mr. M. Chaudhuri
Mr. Nirmalya Roy
.....for the University of Gour Banga

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

The learned counsel appearing for the petitioners relies upon a document at page 43 to the writ petition (annexure P-6) and submits that the BSNL has certified that the petitioners have completed the work successfully.

The University of Gour Banga is represented and it is submitted that there are disputed question of facts. Firstly, that the petitioners have not completed the work successfully, contrary to the submissions made by the learned counsel appearing for the petitioners. However, it is submitted that the University of Gour Banga does not wish to raise any unnecessary disputes with the petitioners and is always ready and willing to settle the claims amicably.

It appears from the said letter at annexure P-6 that has been signed by one Dr. Sankar Karan, PhD that inspection

has been done on a sample basis. This Court has serious doubts as to whether he is authorized to represent the BSNL and as to whether the University of Gour Banga has accepted the said letter. In that view of the matter, since there are disputed questions of facts, which cannot be entertained by a writ Court under Article 226 of the Constitution of India, the writ petition is dismissed.

However, dismissal of the writ petition shall not prevent the University and the petitioners to arrive at any amicable settlement in respect of their claims and counter claims.

There shall be, however, no order as to costs.

Urgent certified copy of this order, if applied for, is given to the parties on usual undertakings.

(Rajasekhar Mantha, J.)