

S/L 6
08.12.2021
Court. No. 19
GB

WPA 14637 of 2021

Zenith Construction
Vs.
The State of West Bengal & Ors.

*Mr. Ayan Banerjee,
Ms. Debasree Dhamali,
Mr. Suman Banerjee.*

...for the Petitioner.

*Mr. Pardip Kumar Roy,
Ms. Shraboni Sarkar.*

...for the State.

Mr. Debabrata Kole.

...for the Respondent No.8.

Mr. Pankaj Kumar Mukherjee.

...for the Punjab National Bank.

Affidavit-of-service filed in Court today be kept with
the record.

The added respondent, the Punjab National Bank as
also the respondent no.8 are represented before this Court.

This is a case where the petitioner's legitimate dues in
respect of a work done pursuant to a contract allotted by the
Itachuna-Khanyan Gram Panchayat was wrongly transferred
to the account of the respondent no.8.

Records reveal that although the Gram Panchayat and
the Block Development Officer had acknowledged such
mistake and the Pradhan of the Gram Panchayat had
indicated to the petitioner that the amount, wrongly
transferred to the bank account of the respondent no.8 shall

be paid to the petitioner when the respondent no.8 refunds the said amount the payment was not made. When the writ petition was moved, none appeared on behalf of the respondent no.8. Fresh service was directed upon the respondent no.8. Today, the learned advocate for the respondent no.8 is present before the Court.

It is submitted by Mr. Kole, learned advocate appearing on behalf of the respondent no.8 that his clients are willing to refund the amount which was wrongly transferred to their account and was actually payable to the petitioner.

The Pradhan of the Itachuna-Khanyan Gram Panchayat is not before this Court despite service. Fresh affidavit-of-service is filed before this Court. It is also on record that the Block Development Officer had already written to the respondent no.8 to refund the money, wrongly credited to the account of the said respondent maintained with the Punjab National Bank.

Mr. Kole further submits that the mode of refund was not clear to his clients and as such, the money could not be refunded.

Under such circumstances, the writ petition is disposed of directing the respondent no.8 as also the petitioner to meet the Block Development Officer at his office on December 15, 2021 at 12 noon.

As it is submitted by the learned advocate for the Punjab National Bank that the account of the respondent

no.8 does not have sufficient balance, money transfer of the amount, wrongly paid to the respondent no.8 would not be possible. Accordingly, the petitioner and the respondent no.8 is directed to meet the Block Development Officer and the Block Development Officer shall chalk out the modality of the payment to the petitioner either by directing the respondent no.8 to issue a cheque in the name of the petitioner or by refunding the money in whatever mode to the office of the Gram Panchayat and thereafter the Gram Panchayat shall transfer the amount to the account of the petitioner.

It is made clear that if the respondent no.8 does not appear before the Block Development Officer or does not pay the amount as will be directed, then proceedings should be initiated against the said respondent for having used the money paid without any authority of law and despite having received communications from the Block Development Officer and the Pradhan of the Gram Panchayat that the money actually was payable to the petitioner.

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.)