

17.11.2021
Court No. 19
Item no.11
CP

WPA 14854 of 2021

M/s S. B. Enterprise & anr.
Vs.

Bidhannagar Municipal Corporation & ors.

Mr. Jayanta Samanta
Mrs. Karunamoyee Samanta

.....for the petitioner.

Mr. Debabrata Saha Roy
Mr. Arka K. Nag
Mr. Subhankar Das

.....for the B.M.C.

Mr. Bipin Ghosh

....for the State.

Affidavit of service filed today is taken on record.

The petitioner was a successful tenderer and was allotted a work order for execution of some works for the Bidhannagar Municipal Corporation.

Records reveal that the Executive Engineer (PWD) was informed by a letter dated December 9, 2020 by the Councillor, Ward No. 32 who was also a member of the Mayor-in-Councillor that the petitioner had completed the work on time. The petitioner has also raised the bills. It is alleged that the bills have not yet been paid. Records reveal that the petitioner has filed a representation before the Commissioner, Bidhannagar Municipal Corporation which is annexure – P-8 to the writ petition, at page

42. The petitioner has waited for a long time for payment of such bills and was ultimately compelled to move this court.

This is an unfortunate situation which must be looked into by the authorities with urgency and seriousness.

The writ petition is disposed of with a direction upon the Commissioner, Bidhannagar Municipal Corporation to dispose of the representation of the petitioner dated September 8, 2021 in accordance with law upon hearing the petitioner as also the officials of the corporation. The petitioner shall be at liberty to make oral submissions and produce all necessary documents in support of the bills raised and his claims made before this court.

A reasoned order shall be passed and communicated to all concerned.

It is made clear that if the petitioner's documents are in order and it is found that the petitioner had completed the work as required by the corporation, the payment shall be released within three months from the date of disposal of the representation.

In case it is found that some other formalities are required to be fulfilled by the petitioner, the same shall be allowed and, thereafter, the payment shall be made upon compliance of such formalities.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)