

30.11.2021
Court No. 19
Item no.13
CP

WPA 21444 of 2019

Ayub Nabi Biswas
Vs.
The State of West Bengal & ors.

Md. Sarwar Jahan
Mr. Mobaidur Hossain

.....for the petitioner.

Mr. Sushanta Mukherjee
Mr. Abdus Salam

....for the State respondents.

The petitioner is a contractor of Murshidabad Zilla Parishad and he participated in a tender issued by the Bhakuri – I Gram Panchayat for improvement of the road.

It is the contention of the petitioner that the work was under the supervision of a Nirman Sahayak appointed by the Bhakuri – I Gram Panchayat. The work was completed within July 27, 2018. On completion of the work, the petitioner raised the final bills. The authorities failed to pay the bills to the petitioner. Thereafter, the petitioner also moved the Sabhadhipati, Murshidabad Zilla Parishad. After a lapse of almost a year, a show cause notice dated July 19, 2019 was issued to the petitioner with certain allegations. The petitioner answered to the show cause by a letter dated July

29, 2019. It is submitted by the petitioner that subsequent thereto, the Pradhan, Bhakuri – I Gram Panchayat forwarded the reply of the petitioner to the appropriate authority for consideration. Such intimation was given to the petitioner on August 16, 2019. It is alleged by the petitioner that thereafter, the authorities did not inform the petitioner about the fate of such reply and show cause notice and the bills have remained unpaid.

Mr. Mukherjee, learned advocate appearing for the State respondents, files a report from the Block Development Officer. It has been stated that some repair works were to be completed by the petitioner which were not undertaken and that due to such negligence of the petitioner, the payment could not be released.

However, as it appears that there is a dispute with regard to the work done by the petitioner and a show cause was issued to the petitioner in respect thereof, to which the petitioner has already answered, the competent authority, i.e., the Block Development Officer shall dispose of the entire issue by considering the reply filed by the petitioner in accordance with law. If it is found that some further repair work is necessary, the petitioner shall be intimated of the same.

A reasoned order shall be passed and communicated to the petitioner as also the panchayat authorities after giving an opportunity of hearing to the petitioner and after allowing the petitioner to produce all documents in support of his contentions.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

If the petitioner complies with the requirement as per the contract and satisfies the authorities at the hearing of the same, then the payment should be released expeditiously.

(Shampa Sarkar, J.)