

Item No.34

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

13.04.2021
Ct-24

W.P.A.9977 of 2020
M/s. B. Enterprise & Anr.
v
The State of West Bengal & Ors.

Mr. Partha Sarkar
... for the petitioners.

Mr. Suman Basu
... for the respondent nos. 3,4 & 5.

Mr. Subhendu Banerjee
Mr. Blola Nath Ghosh
... for the respondent no. 6.

The grievance of the petitioners is that the bill raised by the Company upon the work performed by it has not been cleared by the Panchayat.

The claim of the petitioners amount to Rs. 3,95,112/- only. The Panchayat by a resolution dated December 28, 2018 requested the petitioners to settle the issue upon acceptance of Rs. 2,30,000/- only.

The petitioners are aggrieved by the same. According to the petitioners, the Company is entitled to receive the entire sum of Rs. 3,95,112/- and as the Panchayat did not raise any grievance with regard to the service rendered by the petitioners, accordingly, the petitioners are entitled to receive the aforesaid amount.

The learned advocate representing the Panchayat submits, upon instruction, that the quality of the work performed by the petitioners is highly sub-standard. The materials supplied by the petitioners were not upto the mark. The petitioners also did not complete the entire work that they were supposed to do. Upon due consideration of the work done by the petitioners the Panchayat agreed to pay Rs. 2,30,000/- only.

From the submissions made on behalf of the parties it appears that pursuant to the contract executed between the parties the Panchayat is agreeable to pay sum of Rs. 2,30,000/- only to the petitioners. The balance amount of the bill which has been raised by the petitioners is highly disputed by the Panchayat.

The writ Court is not the appropriate forum to adjudicate the disputed questions of facts.

In view of the above, the instant writ petition is disposed of by granting liberty to the petitioners to accept the sum of Rs. 2,30,000/- only without prejudice to their rights and contentions. It will be open for the petitioners to take recourse before the appropriate forum for disbursal of the balance amount of their dues.

WPA 9977 of 2020 stands disposed of.

The instruction given by the Panchayat to its learned advocate is retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(**Amrita Sinha, J.**)