

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

**22.11.2021
Crt. No.1.
K.B./b.r.
Item No.2**

W.P.A. 944 of 2021

***M/s. Baid Distributors(P) Limited
-Vs.-
Government of West Bengal & Ors.***

**Ms. Sidhi Sethia
Ms. Rima Sarkar
.....for the petitioner.**

**Mr. Hirak Barman
Mr. Momenur Rahaman
.... for the State.**

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

The petitioner is a distributor of medical oxygen. The petitioner supplied medical oxygen as per the requirement of the Respondent no.3/the Chief Medical Officer of Health (CMOH), Darjeeling.

The medical oxygen was supplied between the Financial Year (FY) 2014-2015 regularly

upto *FY* 2018-2019. The petitioner claims a total outstanding of Rs.10,32,499/- (Ten lacs Thirty Two Thousand Four Hundred Ninety Nine only) as the admitted outstanding amount payable against the supply of medical oxygen. Learned Counsel for the petitioner strongly relies upon a communication dated 1st January, 2020 and 22nd June, 2020 addressed by the Respondent no.3/the CMOH, Darjeeling to the Respondent no.4/the Additional Director of Health Service (AA & V), West Bengal.

From the communication as aforementioned, the petitioner points out that there is no dispute with regard to the total as aforesaid being payable and the only reason the CMOH cites is lack of allotment of fund to the CMOH/the Respondent no.3 from the office of the Respondent no.4/the Additional Director(*supra*).

Learned Counsel for the CMOH does not dispute the communication dated 1st January, 2020 and 22nd June, 2020 (*supra*). It is submitted that the CMOH can only release the

fund if disbursed by the Respondent no.4 under the aforementioned facts. The prayer is made on behalf of both the parties for a direction on the Respondent 4/the Additional Director.

Having heard the parties and considering the materials placed, the Respondent no.4/the Additional Director (*supra*) is directed to take steps to release the fund as stated above forthwith and not later than a period of four weeks from the date of communication of this order.

The fund shall carry a simple interest of 8% p.a.

Upon the above direction being made, this writ petition requires not to be detained further.

Affidavits are neither necessary nor invited. Other allegations are therefore deemed to be denied and disputed.

WPA 944 of 2021 stands thus **disposed of.**

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on compliance of all necessary formalities.

(Subrata Talukdar, J.)