

04.05.2022  
Sl. No.15  
ss

**W.P.A. 1878 of 2022**

**S. M. Construction  
Vs.  
Howrah Municipal Corporation & ors.**

Ms. Shebatee Datta  
... for the petitioner

Mr. Sandipan Banerjee  
Mr. Ankit Surekha  
Ms. Kalpita Paul  
... for the H.M.C.

Mr. Banerjee, learned Advocate appearing on behalf of the Howrah Municipal Corporation submits that the report could not be prepared because certain documents would be required for such purpose. Such documents are in the custody of the firm.

It is further submitted that a hearing was required so that the authorities could come to a conclusion with regard to the remaining payment claimed by the petitioner, pursuant to the work executed.

Under such circumstances, this Court does not find that any purpose would be served by keeping the writ petition pending.

Accordingly, this writ petition is disposed of with a direction upon the Deputy Commissioner-2, Howrah Municipal Corporation to consider the writ petition as a representation and dispose of the same in accordance with law upon hearing the petitioner's representative as also

authority, who may have been connected with the work executed by the petitioner.

The court has not gone into the merits of the claims and counter-claims of the parties and the issues involved shall be decided in accordance with law, independently.

The petitioner shall be allowed to furnish further oral and documentary evidence in support of the claim and thereafter a reasoned order shall be passed and communicated to the representatives of the petitioner.

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

Needless to mention, if it is found that the petitioner is eligible for payment, such payment shall be made expeditiously.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the learned advocate's communication.

**(Shampa Sarkar, J.)**