

02.02.2022
Court No.13
Item No.17
AP

WPA 12873 of 2021

Tapas Pathak
Vs.
The State of West Bengal and Ors.

(Through Video Conference)

Mr. Robiul Islam
Ms. Pramita Banerjee
Mr. S.A. Munshi

... For the Petitioner.

Mr. Arun Kumar Roy
Mr. Sajal Pandit

... For the State.

Ms. Sarmila Das

... For the Respondent Nos.3 & 4.

The writ petitioner was entrusted with a responsibility of construction of a bridge over the Brahmani river at Malancha in Singhi GP under Katwa-II PS in the district of Purba Bardhaman on 22.05.2018. The value of the entire contract was Rs.2,19,16,733/-

It is submitted that the writ petitioner could not complete the said construction and the job was entrusted to a third party.

It is also submitted that the reason for the failure on the part of the writ petitioner to complete the construction was inability on the part of the respondents to make payment on time. This is vehemently denied by the learned counsel for the West Bengal Agro Industries Corporation Ltd. being the respondent Nos.3 and 4.

Be that as it may, it is submitted that a joint inspection was conducted by and between the parties and

the respondents has admitted to paying sums of money to the writ petitioner.

It is also submitted that the Security Deposit and the Earnest Money Deposit have also not been refunded to the writ petitioner.

This Court is of the view that the matter involves entering into disputed questions of fact, which cannot be done under Article 226 of the Constitution of India.

The remedy of the writ petitioner against the respondents for obtaining sums of money if at all payable to him, is before an appropriate Civil forum.

For the reasons stated above, the writ petition is disposed of without any order.

There shall be no order as to costs.

Since the respondents have not used any affidavits, the allegations made in the writ petition, shall not be deemed to have been admitted by them.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)