

S/L 14
19.01.2022
Court. No. 19
GB

WPA 13127 of 2021

Dipak Sasmal
Vs.
The State of West Bengal & Ors.

(Through Video Conference)

Mr. Subhas Jana

...for the Petitioner.

Mr. Syed Nasirul Hossain.

...for the State.

Affidavit-of-service filed in Court today be kept with the record.

This writ petition has been filed for a direction upon the respondent no.5 to pay up the remaining amount of Rs.94,834/- towards the bill raised by the petitioner pursuant to the work executed against certain tenders floated by the Pradhan Saoraberia Jalpai 1 Gram Panchayat, Nandakumar Block, Purba Medinipur.

The petitioner relies on a communication dated September 16, 2016 issued by the Pradhan (Acting) to the Block Development Officer for payment of the remaining amount in his favour.

The fact that the petitioner had executed the work and was paid Rs.2,28,188/- is not in dispute. The question is whether the remaining amount of Rs.94,834/- would be payable to the petitioner.

Mr. Hossain, learned advocate appearing on behalf of the State respondents submits on instruction from the Block

Development that the petitioner did not complete the work within the stipulated time, and as such the remaining amount could not be paid to the petitioner. The remaining amount has been sent back to the respondent no.2, that is the Commissioner, Department of Panchayat and Rural Development.

According to Mr. Hossain the amount to be paid against the work executed was under the Backward Regional Grant Fund and the excess amount has been refunded.

Having heard the rival contentions of the parties and having considered the representation of the Pradhan, Sarberia Jalpai 1 Gram Panchayat, Nandakumar Block, Purba Medinipur, this Court is of the opinion that as the Block Development Officer has returned the excess money to the respondent no.2 on detection of some irregularities, the writ petition is disposed of with a direction upon the petitioner to approach the respondent no.2 in accordance with law. If such approach is made by filing an application, the same shall be disposed of upon hearing the petitioner as also the Pradhan of the Saoraberia Jalpai 1 Gram Panchayat, Nandakumar Block, Purba Medinipur within a period of three months from date of receipt of the representation.

This Court has not gone into the merits of the claims of the petitioner.

Accordingly, the writ petition is disposed of.

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.)