

**FMA 70 of 2022
With
CAN 1 of 2021**

**M/s. A.J. Sarkar & Co. & Anr.
Vs.
The State of West Bengal & Ors.
(Through Video Conference)**

Mr. Pratip Kumar Chatterjee

... ... for the appellants

Mr. Samrat Sen, AAG

Mr. Amitava Mitra

... ... for the State

This appeal at the instance of the writ petitioners against the order of the learned Single Judge dated 29th July, 2021 passed in WPA 7656 of 2020 whereby the learned Single Judge has permitted the parties to file affidavits and has observed that the petition will be treated as ready for hearing immediately on completion of time stipulated for filing affidavits.

Submission of learned counsel for the appellants is that the appellants had completed the work awarded to them and that the completion certificate was also issued but the amount was not paid.

Referring to the communication of Executive Engineer dated 8th May, 2019 he has submitted that a sum of ₹16,50,412/- was admitted but it has not been paid till now.

He has also referred to the earlier communication dated 3rd July, 2018 sent by the Executive Engineer to the Superintending Engineer in this regard.

Learned counsel for the State has fairly submitted that there is no objection in considering the appellants

representation and paying the undisputed amount within a time bound period.

In view of the above submission, a joint prayer has been made for disposal of this appeal as also pending writ petition with a direction to consider and decide the representation within a time bound period.

Learned counsel for the State has submitted that the appellants can file representation which can be decided by the Principal Secretary.

Hence, we dispose of the present appeal as also the pending WPA 7656 of 2020 granting liberty to the appellants to file a comprehensive representation indicating undisputed amount before the Principal Secretary, Irrigation and Waterways department within a period of one week from today.

On receipt of the said representation the Principal Secretary will duly ascertain the undisputed amount and will pay the same to the appellants within a period of six weeks from the date of filing of the representation. For the disputed amount appellants will be at liberty to take up appropriate proceeding in accordance with law.

The appeal and connected application are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)