

22nd December, 2022
(D/L No.12)
(SKB)

W.P.A. 16962 of 2022

Kamladityya Construction Private Limited and another
Versus
Union of India and others

Mr. Abhrajit Mitra,
Mr. Satadeep Bhattacharyya,
Ms. Sonia Sharma
... for the petitioners.

Mr. Indrajeet Dasgupta,
Ms. Puspita Bhowmick,
Ms. Rima Biswas
... for the respondent nos.1 to 4.

The petitioners have moved this application against the threat of termination of the petitioners' contract with the CPWD for construction of an academic campus for the IIIT, at Kalyani.

The petitioners were continued to be protected by an undertaking given by learned counsel appearing for the CPWD on 29th July, 2022 that no steps would be taken by the respondents against the petitioners.

However, after hearing learned counsel and considering the assurance given in a letter of 13th July, 2022 by the CPWD that the defect liability period will run from taking over all the respective buildings and of the exemption provided under Section 3 of the Government Buildings Act, 1999, to certain government buildings from municipal laws, this court is of the view

that the petitioners should be directed to complete the remaining part of the project.

The admitted position is that the petitioners have completed about 70% of the project and only 30% remains to be completed. The apparent financial distress of the petitioners may be addressed by a direction on the CPWD to process the Bill of Rs.5 crore which has recently been submitted by the petitioners. It is made clear that the petitioners have also to urgently look into the charge of non-payment to the vendors and other party's assistance in the work project.

W.P.A.16962 of 2022 is disposed of in terms of the above.

The petitioners shall make every effort to complete the remaining part of the work within a reasonable time without any further delay. The letter of the CPWD of 25th August, 2022 regarding the delay on the part of the petitioners to complete the work and asking the petitioners to submit the pending bills is kept on record. Any impediment in the completion of the work shall be looked into and be resolved by the CPWD. The petitioners shall co-operate with the CPWD in the matter of completing the balance part of the work.

(Moushumi Bhattacharya, J.)