

M/L 30
13.12.2022
Court. No. 19
GB

W.P.A. 23898 of 2022

Debabrata Garain
VS
The State of West Bengal & Ors.

*Mr. Soumik Ganguli,
Mr. Dilip Kumar Sadhu.*

...for the Petitioner.

*Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata.*

...for the State.

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

Despite service, none appears on behalf of the respondent nos.9 and 10. As this Court is not inclined to pass any mandatory direction as prayed for by the writ petitioner but is relegating the entire issue to be determined by the concerned authority, the matter is taken up and disposed of in their absence.

The petitioner prays for disbursement of an amount of Rs.31,00,616/- together with interest @ 8% per annum for construction of Saldabra Bridge. The petitioner participated in the e-tender which was floated by the Executive Officer, Baghmundi Panchayat Samity by a notice dated August 26, 2022. The petitioner was issued an acceptance letter dated October 12, 2020. The work order was issued. The petitioner contends that although the work was completed, payment had not been received.

There is nothing on record to show whether the petitioner had raised any bills or whether the authorities had

made any inspection for verification of the bills. No completion certificate has been annexed in the writ petition which would indicate that the work had been successfully completed and the authority had certified the same.

Under such circumstances, mandatory order as prayed for cannot be passed. The writ petition is disposed of with a direction upon the Executive Officer, Baghmundi Panchayat Samity to dispose of the demand of justice dated August 30, 2022, filed by the petitioner through his learned advocate. A reasoned order shall be passed and communicated to all concerned. Before passing the reasoned order, the petitioner and any other interested party shall be heard. If there are any reasons to deny payment of the amount claimed by the petitioner, the same shall be disclosed in the order to be passed by the authority.

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

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 server copy of this order.

(Shampa Sarkar, J.)