

09.09.2022
Sl. No.149(ML)
srm

W.P.A. No. 23118 of 2019
Tapas Kumar Samanta
Vs.
State of West Bengal & ors.

Mr. Nandadulal Bandyopadhyay,
Mr. Samit Kumar Maity
.....for the Petitioner.

Mr. Bipin Ghosh
.....for the State-respondents.

Affidavit-of-service is taken on record.

The petitioner submits that as the successful bidder in a tendering process *vide* Tender Notice No.101/Golgp. dated April 25, 2017, some materials were supplied to the Golgram Gram Panchayat, District-Paschim Medinipur as per the requirement of the said gram panchayat. The final bill has not been released by the panchayat authority.

The petitioner made several representations before the concerned gram panchayat for release of the payment. It is alleged that such payment has not yet been made.

There are disputed questions of facts which cannot be decided by a writ Court. The correctness of the bill raised and the quality of the material supplied, cannot be gone into. However, if the petitioner has supplied materials, in that event, he is entitled to some payment on the basis of the assessment to be made by the authority.

Long time has lapsed, but the authorities have not responded to the petitioner's request for payment.

Under such circumstances, without going into the merits of the claim of the petitioner, the writ petition is disposed of with liberty to the petitioner to file a composite representation annexing all the bills and documents before the Block Development Officer, Debra Development Block. If such representation is filed, the same shall be disposed of in accordance with law. An enquiry shall be made in presence of the petitioner and the Pradhan, Golgram Gram Panchayat in this regard. Records of the office of the concerned gram panchayat shall also be looked into. The petitioner's bills shall be verified along with all vouchers and supporting documents. Thereafter, a reasoned order shall be passed and communicated to the petitioner and the panchayat authority.

The entire exercise shall be completed within a period of four months from the date of receipt of the representation.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)