

OD-3

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/2547/2022

MD. SUMAUN ALI
Versus
THE STATE OF WEST BENGAL AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date : 20th September, 2022.

Appearance :
Mr. Anjan Bhattacharya, Adv.

Mr. Tapan Kr. Mukherjee, Adv.
Ms. Tuli Sinha, Adv.
... for the respondent.

The Court: Affidavit-of-service is kept with the record.

The petitioner claims to have participated in a tender process floated by the Uttar Dinajpur Zilla Parishad on February 19, 2020. The petitioner claims to have been selected. It has been specifically stated that the work order was issued by the Zilla Parishad on March 16, 2020.

The petitioner claims to have completed the work of repairing and upgradation of a road from Maharoli More Kochra Madrasha under Do-Mohona Gram Panchayat.

It appears that the total bill of the petitioner was amounted to Rs.23,81,200/-. The allegation is that despite repeated requests the amount has not been paid.

It appears that the petitioner approached the Additional Executive Officer, Uttar Dinajpur Zilla Parishad for release of the payments.

Reference is made to tax invoices which have allegedly been issued by the authorities.

Under such circumstances, without going into the merits of the claims of the petitioner and without deciding the eligibility of the petitioner to receive such payments, the writ petition is disposed of with a direction upon the respondent no.3 i.e. Additional Executive Officer, Uttar Dinajpur Zilla Parishad to treat the writ petition as a representation and dispose of the same in accordance with law, upon hearing the petitioner, any person from the Zilla Parishad who was involved in the tendering process and other interested parties, if any. A reasoned order shall be passed and communicated to all. The entire exercise shall be completed within a period of three months from the date of communication of this order. If the authority finds that the petitioner is entitled to receive the entire payment or part thereof, then the amount shall be released in favour of the petitioner in accordance with law. If the authority finds that the payments cannot be either fully or partly released, then reasons for such decision shall be communicated.

With the aforesaid direction, WPO/2547/2022 is disposed of.

Parties to act on a server copy of this order.

(SHAMPA SARKAR, J.)