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Ct No 2023
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AGM

**In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 48 of 2023

**S. R. Enterprise & Ors.
Vs
The State of West Bengal & Ors.**

Ms. Sanghamitra Nandy
... For the petitioners.

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar De
Mr. Arka Kumar Nag
... For the BMC.

Mr. Jaharlal De
Ms. Smita Das De
... For the State.

The petitioners' prayer for releasing the balance payment on account of the work performed by the petitioners is pending consideration at the end of Bidhannagar Municipal Corporation.

The petitioners submit that after completion of the work in terms of the work order and after submission of the bills, part payment has been made but the balance payment is due and pending.

Representation filed by the petitioners in December 2022 is pending consideration.

Learned advocate representing the Bidhannagar Municipal Corporation raises an issue of maintainability of the writ petition at such a delayed point of time.

The learned advocate has not been able to show any document before the Court that the payment of the

petitioners has been made in accordance with law and in accordance with the terms and conditions of the tender.

There is nothing on record to show that the petitioners were intimated the reasons for non payment of the balance amount. Accordingly, the submission of the respondent authority that the claim of the petitioners will be barred by the principles of limitation does not appeal to the Court.

The Commissioner of Bidhannagar Municipal Corporation is directed to consider the prayer of the petitioners seeking release of balance payment.

A decision shall be taken by the aforesaid respondent in accordance with law, at the earliest but positively within a period of twelve weeks from the date of communication of this order.

If the aforesaid respondent is of the opinion that any sum is due and payable to the petitioners, then the same shall be released in favour of the petitioners within a period of three months thereafter.

Learned advocate for the petitioners is directed to forward a copy of the representation dated 19th December, 2022 along with all supporting documents relating to the claim to the aforesaid respondent at the time of communicating the order of the Court.

There is no prayer for paying the balance amount with interest and the learned advocate for the petitioners submits, upon instruction that, interest has not been prayed for.

Accordingly, the Commissioner is not required to

pay any interest on the due amount.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)