

30.01.2023
Court No. 19
Item No.28
CP

W.P.A. No. 1377 of 2023
Md. Nayem Ali
Vs.
The State of West Bengal & Ors.

Mr. Apurba Ghosh
...for the petitioner.

Mr. Ansar Mondal
Ms. Prativa Ghatak
....for the State.

Mr. Avishek Prasad
Ms. Ankita Dey
....for the respondent nos. 7 & 8.

In the absence of the documents showing that the R.A. bills had been submitted by the petitioner, the bills had been checked, verified and sanctioned by the authority and the completion certificate had been granted to the petitioner in respect of the work completed, no order can be passed upon the authority to pay the amount claimed by the petitioner for the work done in 2015.

Also, it does not appear from the records whether the petitioner had executed an agreement with the Pradhan, Gourhand Gram Panchayat pursuant to the work order issued on April 2, 2015. Records do not reveal whether any earnest money or any money pursuant to the work order had been deposited by the petitioner in terms of the tender notice.

The panchayat authorities have also denied the claim of the petitioner at the hearing before the Block Development Officer, Chanchal-II Development Block.

The panchayat authorities are of the clear opinion that no measurement books, bills etc. could either be traced or were available in the office and after expiry of 8 years from the date of issuance of the work order, further inspection would not reveal whether the work had been successfully completed by the petitioner in 2015.

The petitioner approached the court in 2017 and an order was passed directing the authority to dispose of the matter. The petitioner did not take any steps thereafter. Although the order of this court had not been complied with, only in 2022 the petitioner wrote a letter to the authority concerned.

In such factual backdrop, no orders can be passed in this writ petition directing payment to the petitioner. The onus is upon the petitioner to prove that he had executed the agreement with the authority and had completed the work. The petitioner should have maintained copies of the bills and the completion certificates etc., if at all the same had been granted by the authority.

In the absence of any documents and proof that the petitioner had completed the work, no orders can

be passed. The money claim after 8 years without any documents in support of the claim cannot be entertained. Thus, the authority rightly rejected the claim of the petitioner, in the absence of proper materials in support of such claim.

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.)