

08.02.2023
Court No. 19
Item No.29
CP

WPA No. 2012 of 2023

Bishwajit Malick
Vs.
The State of West Bengal & Ors.

Mr. Pratip Mukherjee
Mr. Amarnath Agarwal

....for the petitioner.

The writ petition is disposed of with a direction upon the District Magistrate, Jhargram to take steps to ensure that the Secretary, Paschimanchal Unnayan Affairs Department releases the funds for payment to the petitioner for the work completed.

It appears that a work order dated July 4, 2019 vide Memo No. 1211/B.D.O./Bin-II, was issued to the petitioner for construction of a concrete road from Rajpara Shibmandir to Khokhan Mahata House at Raipara village (NIT NO. JGM/EO/BINPUR-II/eNIT-28/18-19 (No.-04). The said order was issued by the Block Development Officer, Binpur-II Development Block. The completion certificate has also been given by the Executive Officer, Binpur-II Panchayat Samiti.

The court has come across many instances of like nature where the works under the Paschimanchal Unnayan Affairs Department have been completed by the contractors but payments

have been withheld on the ground of paucity of funds.

Once the authorities had allotted the works to the contractors and certified that the contractors had completed the works in accordance with the tender document, paucity of funds cannot be a reason to deprive the contractors of their legitimate dues.

Under such circumstances, the writ petition is disposed of with a direction that the amount admissible to the petitioner on the basis of the certificate issued by the panchayat samiti must be released, unless there are discrepancies in the certificate or the petitioner had not completed the work as per the specifications and requirements of the work order but the completion certificate had been issued inadvertently.

If the work was completed, the admissible dues shall be released in favour of the petitioner within a period of three months from the date of communication of this order. A reasoned order shall be passed by the District Magistrate on the issues involved. Such order shall be communicated within the aforementioned period.

A hearing shall be given to the petitioner, a representative of the panchayat samiti and the Block Development Officer before the reasoned order is passed.

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.)