

17.03.2023
Court No. 19
Item no.41
CP

W.P.A. No. 3686 of 2023

Anup Aich

Vs.

The State of West Bengal & Ors.

Mr. Ashit Kr. Chakraborty
Mr. Sudanda Mohan Ghosh

....for the petitioner.

Mr. Ansar Mondal
Mr. Suprobhat Bhattacharya

....for the State.

The petitioner is an enlisted contractor of the Uttar Dinajpur Zilla Parishad. The petitioner had constructed a R.C.C. Bridge over river Tangon at Radhikapur, pursuant to a work order of the zilla parishad. A completion certificate to the effect that the petitioner had completed the work and the performance was good, was issued by the District Engineer, Uttar Dinajpur on July 4, 2018. It appears that considerable amount had already been released in favour of the work completed.

The petitioner contends that there are still outstanding dues and refers to a letter written by the Additional District Magistrate and Additional Executive Officer, Uttar Dinajpur Zilla Parishad dated March 3, 2021, requesting the District Magistrate, Uttar Dinajpur for release of funds

amounting to approximately Rs.70 lakhs for final payment with regard to the alleged construction.

Admittedly, long time has passed since the work was completed. This court is not in a position to either assess or calculate the quantum that may be due and payable or whether any amount is still payable or not. As there are documents to show that the petitioner had already been granted a completion certificate and the authority of the zilla parishad had sought for release of funds in order to make payments sometime in 2021, the court entertains the writ petition.

The records do not reveal that the full and final payment had been made to the petitioner or not. Thus, this court directs the District Magistrate who is also the Executive Officer of the Uttar Dinajpur Zilla Parishad to treat the writ petition as a representation and dispose of the same in accordance with law, upon giving an opportunity of hearing to the petitioner as also the District Engineer who had issued the completion certificate.

A reasoned order shall be passed and communicated. Such order shall be passed within six weeks from the date of communication of this order.

If it appears there are some outstanding dues payable pursuant to the works completed, the same

shall be released within eight weeks from such decision.

A copy of the writ petition be also served upon the District Magistrate who is also the Executive Officer of the Uttar Dinajpur Zilla Parishad.

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.)