

21.03.2023
Court No. 19
Item 52 (ML)
CP

WPA No. 3821 of 2023

Alokesh Roy & ors.
Vs.
The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty

....for the petitioners.

Ms. Sonal Sinha
Ms. S. V. Das

....for the State.

The petitioners are aggrieved as an amount of Rs.2,32,01,126/- is due and payable. The petitioner raised the bill for execution of various works under the schemes floated by the Paschimanchal Unnayan Affairs Department. According to the petitioners, the District Magistrate, Birbhum had already requested the Principal Secretary, Paschimanchal Unnayan Affairs Department for disbursement of the amount for full and final settlement of the bills raised by the petitioners. It is submitted that some amount has already been paid and the outstanding amount as referred to hereinabove, is yet to be disbursed.

Although it is the contention of the petitioners that the work had been completed and the bills were correctly raised and approved, such factual issue is not to be decided by the court. The Principal

Secretary, Paschimanchal Unnayan Affairs Department is the appropriate authority to release the funds for payment to the petitioners, if the District Magistrate is satisfied that the work had been completed according to the tender. The petitioner has annexed a completion certificate in this regard.

Under such circumstances, the petitioners are at liberty to approach the Principal Secretary, Paschimanchal Unnayan Affairs Department with their grievances.

The Principal Secretary, Paschimanchal Unnayan Affairs Department shall hear the learned advocate for the petitioners who shall be entitled to appear before the authority. A responsible officer of the zilla parishad and a responsible officer from the office of the District Magistrate shall also be heard. Necessary orders will be passed.

If the petitioners are found eligible for payment, the same shall be released in accordance with law. If the petitioners are found ineligible for the payment, the reasons shall be assigned in the order. A reasoned order shall be passed and communicated to all.

This court has not gone into the correctness of the claims of the petitioners.

The entire exercise shall be completed within a period of eight weeks from the date of receipt of the representation of the petitioner.

This writ petition is disposed of.

There will be, however, no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)