

21.03.2023
Court No. 19
Item 53 (ML)
CP

WPA No. 3825 of 2023

Das Enterprise
Vs.
The State of West Bengal & Ors.

Mrs. Juin Dutta Chakraborty

....for the petitioner.

Mr. Ansar Mondal
Ms. Prativa Ghatak

....for the State.

Mr. Santimay Bhattacharyya
Mr. Ziaul Haque
Mr. Himadri Sekhar Mahata

....for the respondent nos. 3 & 4.

The petitioner claims that despite works having been completed, under work orders issued by the Executive Officer, Md. Bazar Panchayat Samiti, a sum of Rs.9,99,886/- has not been paid by the concerned authority.

Learned advocate for the State respondents has produced some documents to show that the work had been completed by the petitioner.

The panchayat samiti submits that the work was allotted to the petitioner. The petitioner had completed the work and request had been made to the Principal Secretary, Paschimanchal Unnayan

Affairs Department for release of the funds so that payment could be made.

Although it is the contention of the petitioner 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 petitioner upon being 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 its grievances.

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

If the petitioner is found eligible for payment, the same shall be released in accordance with law. If the petitioner is 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 claim of the petitioner.

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.)