

AD-12
Ct No.09
02.08.2023
TN

WPA No. 4176 of 2023

M/s. Sukanta Construction and another
Vs.
The State of West Bengal and others

Mr. Anindya Bose,
Mr. Santanu Maji,
Mr. Mridul Biswas

.... for the petitioners

Mr. Suman Ghosh,
Ms. Munmun Tewari

.... for the State

The petitioners submit that the petitioners are entitled to compensation with regard to work done by the petitioners for construction of a road from Kanupur to Bahutali.

Such compensation is due to the increase in the prices of Bitumen and allied reasons.

Learned counsel places reliance on the document dated October 12, 2017, annexed at page-29 of the writ petition, which is a communication by the Executive Engineer, Murshidabad Highway Division No. I, Public Works (Roads) Directorate, which confers such right on the petitioners.

The petitioners gave a representation for disbursal of the concerned amount, which has not been paid yet.

Learned counsel also places reliance on a coordinate Bench order dated May 18, 2023 in a similar matter, where compensation was directed to be paid.

Heard learned counsel for the parties.

Since the petitioners are entitled to compensation in terms of the communication dated October 12, 2017, there cannot be any reason why the respondent-authorities shall not disburse the same. In the event the respondent-authorities had any objection regarding the quantum of the same, the respondents ought to have intimated such objection to the petitioners.

The petitioners have also annexed a chart of the compensation, as per the rates of the respondent-authorities, to the writ petition.

Although the State-respondents has raised an objection as to whether the petitioners are entitled to the proposed compensation, having executed the works on or after November 01, 2005 as per the order dated June 20, 2007, annexed at page-17 of the writ petition, the same cannot be an impediment *per se* to payment of the amount, subject to the petitioners satisfying such Clause and other legal requirements.

Accordingly, WPA No. 4176 of 2023 is disposed of by directing the respondent no. 5, the Chief

Engineer, Head Quarter, Public Works (Roads), to disburse the amount due to the petitioners for the work done by the petitioners, if done in terms of Clause 2 of the order dated June 20, 2007, annexed at page-17 of the present writ petition, and subject to satisfaction of all other legal formalities. Subject to the satisfaction of all legal pre-requisites, the disbursal shall be made to the petitioners as expeditiously as possible, positively within a month from date.

In the event the respondent no. 5 is of the opinion that the petitioners do not satisfy the requisites as referred to above, a communication in that regard shall be made to the petitioners by the respondent no. 5 within a week from date and a hearing will be given to the petitioners on such count by the respondent no. 5 prior to disbursal of the amount.

It is made clear that in the event the respondent no. 5 arrives at the decision that the petitioners do not satisfy Clause 2 and/or any other condition of admissibility, such decision shall be communicated to the petitioners by the respondent no. 5 within a week thereafter.

The petitioners, in the event of such refusal, shall be at liberty to challenge the said refusal by way of a fresh writ petition.

There will be no order as to costs.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)