

Item No.5  
10.04.2023  
Court. No. 19  
GB

WPA 5373 of 2023

M/s. Khan Construction, represented by  
Nasiruddin Khan

Vs

The State of West Bengal & Ors.

*Mr. Gazi Faruque Hossain,  
Ms. Priyanka Mondal*

*...for the Petitioner.*

*Mr. Subhabrata Datta,  
Mr. Debashis Sarkar*

*...for the State.*

*Mr. Brajesh Jha*

*...for the Respondent No.2.*

The report of the Block Development Officer, Basanti Development Block is taken on record.

It has been specifically stated that as the Upa Pradhan of Fulmalancha Gram Panchayat had taken charge on January 24, 2023, the agency, that is, the petitioner can submit the bills at the gram panchayat which acts as the PIA for processing such bills for any work under MGNERGA.

The specific contention of the petitioner in this writ petition is that the bills could not be submitted as the posts of Pradhan, Upa Pradhan, Secretary and Executive Assistant of Fulmalancha Gram Panchayat, were vacant due to pendency of criminal proceedings. There was none at the office who could accept the bills, process and upload the same for further payment as per MGENRGA guidelines.

Now, it appears from the report filed by the Block Development Officer that the bills can be submitted before

the Upa Pradhan and the same may be processed in accordance with law.

Under such circumstances, the writ petition is disposed of granting liberty to the petitioner to submit the bills before the Upa Pradhan of Fulmalancha Gram Panchayat. The Upa Pradhan of Fulmalancha Gram Panchayat will act as PIA and process the bills as per MGNREGA guidelines and in accordance with law. Necessary steps with regard to the uploading the said bills, etc. shall be undertaken by the authority. Once such bills are uploaded upon being found to be proper and legitimate, steps shall be taken by the competent authority under the Ministry of Rural Development (MGNREGA) for payment. If the bills are not found to be in order, a communication to that effect with reasons shall be sent to the petitioner.

The entire exercise shall be completed within a period of three months from receipt of the petitioner's bills.

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.)**