

April 19, 2023
Sl. No.29
Court No.19
s.biswas

WPA 9031 of 2023

M/s. Bharat Enterprise
vs.
The State of West Bengal and others

Mr. Gazi Faruque Hossain,
Ms. Priyanka Mondal, Advocates
... for the petitioner
Mr. Jahar Lal De,
Mr. Rudranil De, Advocates
... for the State
Mr. Brajesh Jha,
Mr. Partha Sarathi Mondal, Advocate
... for the respondent No.2/Union of India

It has been specifically urged by the petitioner that as the Upa Pradhan of Fulmalancha Gram Panchayat had taken charge on January 24, 2023. The petitioner may be allowed to submit the bills at the gram panchayat which acts as the PIA.

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.

The Court is thus of the opinion that the orders passed in favour of similarly circumstanced persons on earlier occasions, based on the report of the Block

Development Officer, must also be applicable in case of the writ petitioner.

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 taken 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 releasing 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.)