

May 1, 2023
Sl. No.A 39
Court No.19
s.biswas

WPA 9578 of 2023

Shiba Engineering & Construction
vs.
The State of West Bengal and others

Mr. Shibaji Kumar Das
Ms. Rups Sreemani
Ms. Suranjana Bhattacharyya ... for the petitioner
Mr. Ansar Mandal
Mr. Suprabhat Bhattacharya ... for the State

Affidavit of service filed by the petitioner is taken on record.

Despite service, none appears on behalf of the Hooghly Zilla Parishad.

The petitioner submits that a total amount of Rs.4,83,161/- was due and payable on account of two work orders executed by the petitioner. Such work orders were granted in favour of the petitioner, pursuant to tendering processes. The Executive Engineer, Hooghly Zilla Parishad had issued such work orders. Reliance has been placed on R.A. bills in support of the contention that the Executive Engineer and the Assistant Engineer of the Hooghly Zilla Parishad had supervised and monitored the work.

It appears that the maximum amount payable to the petitioner as per the petitioner's own calculation had been released by the Hooghly Zilla Parishad. Only a small amount is due and payable as per the petitioner's calculation.

The writ petition is disposed of with the direction upon the Executive Engineer, Hooghly Zilla Parishad, to dispose of the representation of the petitioner dated February 23, 2023, which is annexed at pages 56 and 57 of the writ petition of the writ petition.

If the claim of the petitioner is found to be genuine, necessary steps shall be taken to release the amount. If the claim is found to be inadmissible, necessary reasons shall be reflected in the order to be passed by the zilla parishad and the reasoned order shall be communicated to all. Before any decision is arrived at, the petitioner as also the authority of the zilla parishad connected with the implementation, supervision and monitoring of the work, shall be heard. If the authority finds that the petitioner is entitled to the payment, necessary request be made to the higher authority for release of the amounts in favour of the Hooghly Zilla Parishad, for consequent disbursement of the admitted amount to the petitioner.

The entire exercise shall be completed within a period of six weeks from the date of communication of this order.

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 server copy of this order.

(Shampa Sarkar, J.)