

10-10-2023
Item No.42
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA No.9741 of 2023
M/s. S.S. Enterprise & Anr.
-vs-
The State of West Bengal & Ors.

Ms. Sanghamitra Nandy ...for the petitioners

Ms. Rupsha Chakraborty ...for the State

Mr. Sirsanya Bandopadhyay
Mr. Tirthankar Dey
Mr. Arka Kumar Nag ...for the Corporation

Affidavit-of-service filed in court today is taken on record.

The petitioners are aggrieved by the act of the Bidhannagar Municipal Corporation in not disbursing the dues in respect of the work order issued in favour of the petitioner no. 1 on 21st December 2020 vide NIT No.639/PWD(BMC) dated 7th October 2020, serial no.2.

From the certificate issued by the Bidhannagar Municipal Corporation on October 4, 2021, it appears that the date of commencement of work was December 21, 2020. The work ought to have been completed by May 20, 2021, but the date of actual completion of the work was October 4, 2021.

From the documents annexed to the writ petition, it appears that the petitioners approached the Bidhannagar Municipal Corporation for releasing the dues in April 2023.

Learned advocate appearing for the petitioners submits that admittedly the dues of the petitioners have not been cleared and that a prayer has been made directing the Bidhannagar Municipal Corporation to inspect the measurement book and disburse payment accordingly.

Reliance has been placed on an order dated December 13, 2022 passed by this Court in WPA No. 6817 of 2022 (Das & Brothers & Anr. –vs- The State of West Bengal & Ors.).

The prayer of the petitioners is opposed by the learned advocate representing the Bidhannagar Municipal Corporation.

I have heard the rival contentions made on behalf of the respective parties.

It is the duty of any authority falling within the definition “State” to make payment, if the work allotted is completed in accordance with the work order issued. The said authority ought not to wait for the claimant to approach the court for disbursement of the dues.

Besides, it is the legal duty of the authority to disburse payment upon examination of the documents and records and see whether the work was conducted in accordance with the work order issued.

If the work is not completed in accordance with the work order, the same ought to be intimated to the claimant. The authority ought not to sit tight over the matter as the same relates to the livelihood of the claimant.

In view of the above, the writ petition is disposed of by directing the Bidhannagar Municipal Corporation to inspect the records available and check whether work was completed and payment was made to the petitioners in accordance with the work order.

If it appears that any amount is due and payable, steps shall be taken for releasing the same in accordance with law at the earliest but positively within twelve weeks from the date of communication of this order.

The writ petition stands disposed of.

Urgent certified of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

