

Item No.48

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

10.10.2023
Ct-24

WPA 10637 of 2023
Tushar Kanti Karmakar & Anr.
v.
The State of West Bengal & Ors.

Ms. Sanghamitra Nandy
... for the petitioners.

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
... for BMC.

The reasoned order dated April 8, 2023 passed by the Commissioner, Bidhannagar Municipal Corporation rejecting the prayer of the petitioners for payment of additional fund on account of the work performed by the petitioners upon oral instruction, is impugned in the present writ petition.

Learned advocate for the petitioners submits that the balance work was completed upon oral instruction and there is nothing on record in support of the said instruction given to the petitioners.

Prayer has been made to reconsider the prayer of the petitioners on the basis of the entries in the measurement book.

The Court is of the opinion that till any document is produced before the authority permitting the petitioners to perform the work, the authority cannot be directed to make payment. The petitioners have failed to

produce any document in support of the oral instruction to complete the balance work.

In view of the above, the Court is not inclined to exercise jurisdiction in the matter.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

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(Amrita Sinha, J.)