

Ct. 05
Item No.15
16.05.2023
(Suvendu)

WPA 11688 of 2023

**B. M. Infrastructure
Vs.
The State of West Bengal & Ors.**

Mr. Atarup Banerjee
Mr. Rajdeep Pramanik
Ms. Sanwyabi Nandi
Ms. Ujjayani Banerjee
.....for the petitioner

Ms. Sharmila Das
.....for the respondent nos. 4-5

Mr. Debashis Ghosh
Ms. Amrita Panja Moulick
...for the respondent no.1

1. The petitioner claims to have completed the work given to the petitioner for completion in terms of the Work Order issued in 2019. The petitioner raised bills in terms of the work done to the West Bengal Agro Industries Corporation Limited, one of the respondents before the Court, but the petitioner's demands for payments were not acted upon. The petitioner has not been paid any amount till date.

2. According to learned counsel appearing for the respondents, the arrangement was that the West Bengal Agro Industries Corporation Limited would pay the petitioner only upon receiving funds from the Additional Secretary, Department of Tribal Development.

3. The petitioner also made a representation before several authorities on 11.04.2023 for release of the admissible dues to the petitioner for

the work which was successfully completed by the petitioner. The representation appears to have resulted in a letter dated 26.04.2023 issued by the Additional District Magistrate to the Additional Secretary to the Government of West Bengal asking the latter to put the sender of the letter in possession of sufficient funds for making payments in respect of the Scheme and Memos stated in the letter.

4. The documents on record make it clear that the petitioner completed the work and the same has not been disputed and no complaint was made in respect of the work done by the petitioner. The letter of 26.04.2023 from the respondent no. 8 to the respondent no. 2 further makes it clear that the petitioner was not paid simply by reason of the District Magistrate not having funds to pay the petitioner and the Additional Secretary not transferring the funds to the District Magistrate for the said purpose.

5. WPA 11688 of 2023 is accordingly disposed of with a direction on the respondent no. 2 being the Additional Secretary, Department of Tribal Development to transfer the funds in respect of admissible dues of the petitioner to the respondent no. 6 within a period of eight weeks from date. The respondent no. 6 shall inform the petitioner as soon as funds are received by the respondent no.6 or within ten days thereafter whichever is earlier.

6. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)

