

December 15, 2023
ARDR (563)

WPA 13881 of 2023

Ayesa Siddika
Vs.
The State of West Bengal & ors.

Adv. Shamit Sanyal,
Adv. Priyakshi Banerjee,
...for the petitioner.
Adv. Pantu Deb Roy,
Adv. Subrata Guha Biswas,
...for the State.

None appears for the respondent nos. 2,3,4, and 5.

Heard learned counsels for the petitioner and the
State respondent.

It is contended on behalf of the petitioner that pursuant to an e-tender issued by the Managing Director, South Bengal State Transport Corporation, inviting eligible contractors for infrastructural development work for renovation and extension of South Bengal State Transport Corporation at Kalna, Purba Bardhaman, the petitioner participated in the tender and was issued formal work order. The petitioner completed the work within the stipulated time frame to the satisfaction of the authority who by a letter issued on 19th April, 2022, duly acknowledged and certified completion of the work. The final bill for the work was to the tune of Rs.59,39,336/-, out of which the petitioner has received Rs.36,60,612/-. The petitioner seeks to submit a comprehensive representation before the concerned authority, being the 2nd respondent herein, to disburse the remaining amount of Rs.22,78,724/- with eighteen per cent interest thereon and

prays for a direction upon the authority to consider the representation at the earliest.

Upon consideration of the submission made on behalf of the petitioner and the State respondent, this Court is inclined to hold that since the authority has acknowledged satisfactory completion of the work by the petitioner and a portion of the dues of the petitioner is still outstanding, the concerned authority, being the 2nd respondent herein, be directed to consider the representation to be filed by the petitioner within a stipulated time frame.

In view of the above, the writ petition is disposed of with liberty to the petitioner to submit a comprehensive representation before the 2nd respondent within two weeks from date. The 2nd respondent is directed to consider the representation within four weeks from the date of receipt thereof, upon affording reasonable opportunity of hearing to all concerned including the petitioner, in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

Since the respondent nos. 2, 3, 4 and 5 are not represented, the petitioner is directed to serve a copy of this order along a copy of the representation to the 2nd respondent herein at the earliest.

With the above observations and directions the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)