

DL 05
28.06.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 13956 of 2023

GPT Infraprojects Limited & Anr.
Vs.
State of West Bengal & Ors.

Mr. Kishore Dutta,
Ms. Sumita Shoaw,
Ms. Rishika Goyal
...for the petitioners

Mr. Abhratosh Majumder,
Ms. Sarvapriya Mukherjee,
Mr. Aritra Basu,
Mr. Aviroop Mitra
...for the respondent nos. 2 to 5

It is submitted by learned senior counsel appearing for the petitioners that the amount due to the petitioners upon the completion of the work is to the tune of Rs.3,17,17,578/-.

However, learned senior counsel also points out that in the meantime, a communication was made by the Hooghly River Bridge Commissioner (hereinafter referred to as "HRBC") indicating that the said authority admitted that the due amount to the petitioners is Rs.2,61,59,800/- and not the entire claim made by the petitioners.

A copy of the said letter is handed over in court and the same is kept on record. It transpires

therefrom that undoubtedly, such statement has been made on behalf of the HRBC.

However, learned senior counsel appearing for the HRBC submits that the State is to disburse the amount, which is payable to the petitioners, for the HRBC to release the same. That apart, it is contended that such payment ought to be in full and final settlement of the claim between the parties.

Learned senior counsel for the petitioners places reliance on a written communication made by this clients, the petitioners, a copy of which is also kept on record.

It is indicated therein that whatever amount is payable by the HRBC is acceptable to the petitioners, without prejudice to their other rights and contentions. It is clarified that the petitioners be given the leave to take out further legal action in the event the petitioners are of the opinion that further amounts are due to them in lieu of the work.

A coordinate Bench order dated April 10, 2023 passed in W.P.A. No. 6248 of 2023 is also handed over to court, in which, under similar circumstances, an order was passed by the said Bench.

Upon hearing learned counsel for the parties, it is clear that inasmuch as the amounts mentioned in the communication of the HRBC is concerned, there is no dispute regarding such amount being due to the petitioners.

However, insofar as the further claim of the petitioners is concerned, the same cannot be adjudicated within the limited scope of the present writ petition without taking detailed evidence on the same.

Hence, keeping on record the communications made by the parties, W.P.A. No. 13956 of 2023 is disposed of by directing the respondent no. 1 to release the admitted amount of Rs.2,61,59,800/-, being the principal sum, to the HRBC positively, within eight weeks from date. The HRBC shall disburse the amount to the petitioners immediately upon receiving the same, not later than a week from the date of receipt of the amount from the respondent no. 1.

However, it is made clear that nothing in this order shall preclude the petitioners from making any further claim, if maintainable in law, for the same works done by the petitioners before the competent civil court.

If such claim is made, the said court shall decide the issue in accordance with law, upon

taking appropriate evidence as deem fit, without being influenced in any manner by any of the observations made herein

It is further clarified that the concessions made by the parties in the present matter are without prejudice to the rights and contentions of the parties in further litigation that may take place between them.

(Sabyasachi Bhattacharyya, J.)