

23rd November,
2023
(AK)
15

W.P.A. 16486 of 2023

M/s. Sisir Kumar Biswas and another
Vs.
The State of West Bengal and others

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Mridul Biswas

...for the petitioners.

Mr. Wasim Ahmed
Mr. M. Shehabuddin

...for the State.

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioners contends that the petitioners did some work for the respondent authorities. It was a policy decision of the authorities to give compensation to the contractors due to enhanced prices.
3. Such compensation initially not being given, a writ petition was preferred, upon which a direction was given to the respondent authorities to consider the said demand of the petitioners.
4. Subsequently the respondents have disbursed compensation but have not paid the main amount for the work done by the petitioners in its entirety as apparently no break-up was given by the petitioners.

5. It is submitted that the due break-up has now been given in the writ petition for which the said amount is to be paid by the respondents.

6. Learned counsel for the respondent authorities controverts such allegations and submits that the previous writ petition was restricted to compensation which has since been paid by the petitioners.

7. It is pointed out by learned counsel for the respondent authorities that none of the prayers in the writ petition pertain to the arguments now made and are entirely confined to prayers regarding disbursal of compensation and compensation alone.

8. As such, it is argued that the prayers now being made from the bar on behalf of the petitioners ought not to be allowed.

9. It transpires from the impugned rejection by way of a reasoned order dated June 12, 2023 annexed at pages-61 and 62 of the writ petition, that compensation was duly given to the petitioners. Hence, as rightly contended by learned counsel for the respondents, there cannot be any further grievance in that regard.

11. However, in the same reasoned order, the Chief Engineer, PWD Roads (HQ) Dte observed that the petitioners, vide representation dated January 3, 2023, had claimed an amount of Rs. 27,46,102/- of which no

break-up was furnished by the petitioners either during the course of hearing or later in his written submission.

12. On such count, the said demand was refused. Since the petitioners are now prepared to give the relevant break-up, unnecessary relegation of the petitioners to a fresh writ petition with more appropriate prayers is unnecessary and a killer of time.

13. In any event, since the sole ground of rejection of the petitioners' demand regarding the main claim with regard to the work done by the petitioners was refused only on the ground that no break-up was furnished by the petitioners, it is always open to the petitioners to approach the respondent authorities with a proper break-up of the work done and corresponding dues, supported by documents.

14. Hence, even without incorporating any further prayer in the present writ petition, WPA 16486 of 2023 is disposed of with liberty to the petitioners to approach the respondent authorities with a full break-up of the work actually done by the petitioners.

15. If so approached, the respondent authorities shall, irrespective of the previous refusal dated June 12, 2023 on the ground of non-availability of break-up, re-visit the issue and disburse the amount which is due to the petitioners for work done by the petitioners according to the respondent authorities.

16. It is made clear that nothing in this order shall be construed to mean that the respondents have any further liability regarding the payment of compensation on enhanced costs but shall only be restricted to a re-consideration of the break-up or actual work done, if produced by the petitioners before the respondent authorities, within a fortnight from date in writing.

17. It is further made clear that this court has not gone into the merits of such prospective claim of the petitioners with due break-up and it will be open to the respondent authorities to consider the same upon giving opportunity of hearing to the petitioners if the respondents so consider necessary, which exercise shall be concluded by the respondents preferably within four weeks from the date of such break-ups being furnished by the petitioners.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)