

Item No.104

In the High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

18.12.2023
Ct-24

WPA 18934 of 2023

A.S. Enterprise

v.

The Bidhannagar Municipal Corporation & Ors.

Mr. Arkadipta Sengupta

... for the petitioner.

Mr. S. Bandopadhyay

Mr. Arka Kumar Nag

Mr. Tirthankar Dey

... for BMC.

The petitioner is aggrieved by the act of the Rajarhat-Gopalpur Municipality presently the Bidhannagar Municipal Corporation in not disbursing the dues in respect of the work order issued in favour of the petitioner in April 2010.

The petitioner claims that the work order was completed within the specified time up to the satisfaction of the respondent authority.

The petitioner relies upon an unreported order passed by this Bench on January 30, 2023 in WPA 27033 of 2022 (Global Enterprise & Anr. v. The State of West Bengal & Ors.) in support of its submission that the claim of the petitioner is liable to be allowed by the Corporation despite delay in approaching the Court.

Learned advocate representing the Corporation submits, upon instruction that, the Corporation has taken steps to comply the direction passed by this Court in the matter of Global Enterprise (supra).

From the documents annexed to the writ petition, it appears that the petitioner approached the Bidhannagar Municipal Corporation for releasing the dues in May 2023 followed up by several representations.

Learned advocate appearing for the petitioner submits that admittedly the dues of the petitioner have not been cleared and a prayer has been made for directing the Bidhannagar Municipal Corporation to inspect the measurement book and disburse payment accordingly.

Reliance has been placed on an order dated 13th December, 2022 passed by this Court in WPA 6817 of 2022 (Das & Brothers & Anr. -vs- The State of West Bengal & Ors.).

I have heard the rival submissions made on behalf of both the parties.

It appears that the issue in the present case is similar to the issue which was decided by the Court in the matter of Global Enterprise (supra). Accordingly, the instant writ petition is disposed of in the same line as that of Global Enterprise (supra).

In view of the above, the writ petition is disposed of by directing the Bidhannagar Municipal Corporation to inspect the available records and check whether work was completed and payment made to the petitioner in accordance with the work order. If it appears that any amount is due and pending, steps shall be taken for releasing the same in accordance with law at the earliest.

The writ petition stands disposed of.

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

SH

(Amrita Sinha, J.)