

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

**Present :
Hon'ble Justice Shekhar B. Saraf**

WPA 18498 of 2018

**M/s. Ciciko Office Machines Pvt. Ltd. & anr.
Vs.
University of Calcutta & ors.**

Mr. Aniruddha Chatterjee
Mr. Rahul Karmakar
Mr. Iftikar Munshi

..for the petitioners

Mr. Nilotpal Chatterjee

...for the University

Heard on: 19.09.2023

Judgement on: 19.09.2023

Shekhar B. Saraf, J.:

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioners are aggrieved by non-payment of the admitted dues of the respondent authorities.

2. The case of the petitioners is that by settled work order goods were supplied to the University of Calcutta being the respondent no.4 herein. There is no dispute with regard to respondent no.4

having received the goods and enjoyed the same. However, it appears that proper rules were not followed by the respondent authorities and in the particular case notice board tenders were issued for different work orders total amounting to supply of goods worth of Rs.9,04,966/-.

3. Counsel for the University has vehemently opposed the petition and pointed out certain clauses that the Court is taken note for.

4. However, since the amount is not disputed, the averments and submissions of the respondents are rejected.

5. By a resolution taken by the Finance Committee of the University dated 26th of August, 2019, the following has been stated:

“Item No.01

To place before the Finance Committee, the letter received from Shri Rajib Kumar Basak, Advocate, in terms with compliance of the order of the High Court, Kolkata in connection with the Writ Petition of M/s. Ciciko Office Machines Private Limited.

Resolved that the Finance Committee finds that the University of Calcutta Purchase and Works Manual mandates that any tender of Rs.5 lakhs or more has to be an e-tender. Since the instant

tender involves an amount of Rs.9,04,966/-, the same is not in accordance with the norm laid down in the University Purchase and Works Manual and as such cannot be accepted by the Finance Committed.”

6. It appears from the records that the work orders were each for sums of money less than Rs.5 lacs and, even if that is not the case, fault, if any, lies solely with the University in obtaining goods from the petitioners in contravention of their own rules. The petitioners are not supposed to know about the rules of the University and therefore, they cannot be held responsible for the same.

7. In any event, the amount is an admitted amount and accordingly, is required to be paid by the University.

8. The respondent authorities are accordingly, directed to make payment of the sum of Rs.9,04,966/- to the petitioners along with 6% interest starting from January, 2018 till the date of payment within a period of six weeks from date.

9. I make it clear that the respondent authorities should be more careful in future and issue work order in tune with their

Works Manual as indicated in the resolution dated August 27, 2019.

10. With the above observations, this writ petition is allowed.

11. All parties are to act on the basis of *website* copy of this order.

(Shekhar B. Saraf, J.)