

ML 128
15.05.2023
Court. No. 19
GB

WPA 19723 of 2022

M.C. Banik And Co. & Anr.
Vs
The State of West Bengal & Ors.

Mr. Sarwar Jahan,
Mr. Maidul Islam Kayal

...for the Petitioners.

Mr. Srinath Singha Roy

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioners submit that the Sabhadhipati of the South 24 Parganas Zilla Parishad be directed to consider the representation filed by the petitioner dated January 24, 2022 sympathetically. According to the petitioners, the authority refunded Rs.22.93 lakhs, although the valuation of the work completed by the petitioners was allegedly Rs.2.053 crores.

The writ Court cannot adjudicate the correctness of such claim of the petitioners. Such adjudication would depend on assessment of the nature of work that was completed by the petitioner and whether approval and/or sanction to the petitioners' bills had been given.

Thus, the writ petition is disposed of directing the Executive Officer of South 24 Parganas Zilla Parishad to dispose of the representation of the petitioner by treating the writ petition as a representation. The petitioners, the District Engineer and Assistant Engineer of South 24 Parganas Zilla Parishad, as also any other authority involved in the process

of execution of the said work shall be heard. All the parties who attend the hearing shall be allowed to submit their respective documents as evidence in support of their respective claims. On the basis of the hearing, a reasoned order shall be passed and communicated.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)