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04.01.2023
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 21306 of 2022

**G. P. Enterprise
-versus
The Bidhannagar Municipal Corporation &
Ors.**

**Mr. Arkadipta Sengupta.
...For the Petitioner.**

**Mr. Sirsanya Bandopadhyay,
Mr. Tirthankar Dey,
Mr. Arka Kumar Nag,
Mr. S. Naiya.
...For BMC.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner prays for releasing the balance amount, which it is entitled on account of completion of the work order issued in its favour by the Bidhannagar Municipal Corporation.

The petitioner submits that part payment has already been made and presently a sum of Rs.19 lac and odd is due and payable.

It has been submitted that the petitioner requires the money for payment to its workers and without the aforesaid payment from the end of the Corporation, it is becoming difficult for the petitioner to disburse the dues of the workers.

The petitioner filed several representations before the Bidhannagar Municipal Corporation but none has been considered till date.

Learned advocate appearing for the Bidhannagar Municipal Corporation submits, upon instructions, that the Bidhannagar Municipal Corporation already sought for releasing the balance amount from the District Planning Officer, North 24-Parganas way back in January 2022. The said payment is yet to be received.

It has been submitted that the payment of the petitioner will be released as soon as money is forwarded by the District Planning Officer, North 24-Parganas.

It appears from the submissions made on behalf of the parties and upon perusal of the communication dated 21st January, 2022 made by the Executive Engineer, Bidhannagar Municipal Corporation to the District Planning Officer, North 24-Parganas that the balance payment is to be supplied by the District Planning Officer.

The tender in question was floated by the Bidhannagar Municipal Corporation and work order was also issued by the Corporation. It is the responsibility and obligation of the Corporation to pay the petitioner who performed the work as per the work order.

Accordingly, the instant writ petition is disposed of by directing the Commissioner, Bidhannagar Municipal Corporation to take steps for releasing the balance payment of the petitioner at the earliest, but

positively within a period of sixteen weeks from the date of communication of a copy of this order.

The Commissioner and the Controller of Finance shall follow up the matter with the District Planning Officer to ensure that the payment of the petitioner is released within the time as specified hereinabove.

The communication dated 21st January, 2022 by the Executive Engineer, Bidhannagar Municipal Corporation to the District Planning Officer, North 24-Parganas is retained with the records.

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.

(Amrita Sinha, J.)