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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 22577 of 2022

Ashim Kumar Chatterjee
Vs.
State of West Bengal & Ors.

Mr. Soumyajit Ghosal
...for the petitioner

Mr. Anirban Ray,
Mr. Tanoy Chakraborty,
Mr. Saptak Sanyal
...for the State

1. The supplementary affidavit and rejoinder thereto filed today be kept on record.
2. The dispute pertains to a money claim made by the petitioner in lieu of professional fees for the services rendered by the petitioner for the State up to the year 2011, when he was a part of the State panel of advocates.
3. Learned counsel for the petitioner, by placing reliance on the documents annexed to the writ petition and the rejoinder to the supplementary affidavit, submits that it is for the respondents to produce the necessary records corroborating the payments made against each of the bills raised by the petitioner, since the records are lying with the office of the respondents.

4. It is further submitted that although some of the bills were cleared off by the respondents, the petitioner is not aware as to which payment was made in respect of which of the bills.

5. Learned Government Pleader appearing for the State submits, by placing reliance on the chart given at page 4 of the supplementary affidavit filed today, that the respondents have made all payments in terms of the bills which are lying with the respondents, which is reflected in the chart along with the corresponding cheque numbers. However, as per admission of the respondents, an amount of Rs.3,59,905/- only is still due, which is “under process”.

6. It is contended that regarding the other claims made by the petitioner, there are no corroborating bills to substantiate such claims.

7. A thorough perusal of the materials on record clearly shows that the dispute is of a factual nature. The petitioner has made money claims, which the petitioner has to establish by producing cogent evidence which has to be proved in accordance with law. Such detailed factual disputes requiring elaborate evidence to be adduced by the parties cannot be decided by

a writ court within its limited framework. It is for a competent civil court to decide such issue, if a suit is filed in due course, by taking note of all the modalities governing a civil suit.

8. However, insofar as the dues admitted by the respondents to the petitioner are concerned, it would only be appropriate if the respondents are directed to pay such amount to the petitioner within a limited period. As regards the further claims of the petitioner, it would be open to the petitioner to file a proper suit for recovery of the same.

9. Accordingly, W.P.A. No. 22577 of 2022 is disposed of by directing the respondents to pay the admitted due of Rs.3,59,905/- to the petitioner in respect of professional service rendered by the petitioner for the State, within four weeks from date positively.

10. The petitioner will be at liberty to file a regular civil suit before a competent civil court for the balance claim of the petitioner, if any.

11. If such a suit is filed, the appropriate court will decide the same in accordance with law without being influenced in any manner by any of the averments made by the parties in the present writ petition.

12. Nothing in this order shall preclude the petitioner from producing further bills in the meantime, if available with the petitioner, and if so produced before the respondent-authorities, the respondent-authorities will be at liberty to disburse the amounts against such bills, if the claims are found to be legitimate by the respondent-authorities.

13. There will be no order as to costs.

14. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)