

W.P.A. 24883 of 2015

**Bhedia I and Bhedia II Beneficiary
Water Supply Committee
Vs.
The State of West Bengal & Ors.**

Mr. Subrata Ghosh
....petitioner

Mr. Rabindra Nath Chakraborty
...for the State

Affidavit-of-service filed on behalf of the petitioner
is taken on record.

In terms of the order dated 28th November, 2023 a
report in the form of affidavit has been affirmed by the
Block Development Officer, Ausgram-II Block and the
same is taken on record.

On perusal of the said report it appears that
Additional District Magistrate and Additional Executive
Officer Bardhaman Zilla Parishad vide a memo dated 30th
June, 2015 requested the Joint Secretary Government of
West Bengal, Department of Public Health Engineering
for allotment of additional fund to the tune of Rs.
326.01072 lakh for completion of Mini Water Supply
Scheme 2008-2009. The District Magistrate, Purba
Bardhaman being the Executive Officer of Purba
Bardhaman Zilla Parishad vide a letter dated 22nd June,
2020 requested the Additional Chief Secretary to the
Government of West Bengal, Public Health Engineering

Department for allotment of fund for disbursement for 99 no. of Mini Water Supply Schemes.

It has been submitted by the learned advocate representing the State-respondents that due to shortage of fund payment could not be made in connection with the work carried out under Mini Water Supply Scheme.

On behalf of the petitioner it has already been submitted that after completion of the work under Mini Water Supply Scheme 2008-2009 based on work order dated 4th November, 2009, out of total amount of Rs. 32,29,897/-, Rs. 25,75,200/- was paid and Rs. 6,54,697/- is still remaining due; the petitioner prays for release of outstanding dues.

This Court can pass direction for payment of aforesaid outstanding dues in favour of the petitioner provided the amount due is specifically admitted by the respondent authorities. From the report filed on behalf of the State-respondents it appears from memo dated 22nd June, 2020 of the District Magistrate, Purba Bardhaman that Rs. 326.01072 lakh is the total outstanding amount in connection with the work carried out under Mini Water Supply Scheme. Therefore, it cannot be ascertained whether the amount claimed by the petitioner which is required to be paid, by instituting the present writ petition is admitted amount or not.

In view of aforesaid situation leave is granted to the petitioner to make a comprehensive representation to the

Additional Chief Secretary to the Government of West Bengal, Public Health Engineering Department within fortnight from date claiming outstanding dues in connection with the completed work under Mini Water Supply Scheme 2008-2009.

If such representation is made within the aforesaid time the Additional Chief Secretary to the Government of West Bengal, Public Health Engineering Department being respondent no. 1 is directed to consider the representation of the petitioner and pass a reasoned order with regard to entitlement of the petitioner to receive the outstanding dues within a period of 12 (twelve) weeks from the date of receipt of the representation after granting opportunity of hearing to the petitioner or its representative and the concerned Zilla Parishad. The decision to be taken by the Additional Chief Secretary to the Government of West Bengal, Public Health Engineering Department, shall be communicated to the petitioner within 1 (one) week thereafter.

With the aforesaid direction the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)