

Item No. 10

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

6.01.2023
Ct-24

WPA 25907 of 2022
Aloka Construction

v.

The State of West Bengal & Ors.

Mr. Subhasish Mukhopadhyay
... for the petitioner.

Mr. Yash Singhi
... for the State.

Mr. Rwitendra Banerjee
Mr. Shibasis Chatterjee
... for the respondent nos. 5 & 7.

The petitioner seeks refund of the security deposit which was submitted by the petitioner at the time of participating in the tender process.

According to the petitioner, the work was performed as per the terms and conditions mentioned in the work order. Though the bills of the work were paid but the security deposit in respect of eleven work orders have been withheld by the Municipality.

The petitioner complains that the representation filed by the petitioner praying for releasing the security deposit is pending consideration before the Murshidabad Municipality.

Learned advocate representing the Municipality raises objection with regard to the maintainability of the writ petition. It has been submitted that the petitioner

has clubbed eleven work orders in one writ petition and has prayed for necessary orders to be passed.

It has been submitted that all the work orders ought not to have been clubbed together for filing the present writ petition.

It has further been submitted that the Municipality has already fixed a date of hearing on January 16, 2023 to adjudicate the claim of the petitioner.

It appears from the submissions made on behalf of the parties that certain amount is due and payable to the petitioner on account of refund of the security deposit.

The tender document mentions the manner in accordance with which the security deposit is to be refunded. The Municipality has already fixed a date of hearing on January 16, 2023. The petitioner is directed to participate in the hearing process on the scheduled date and place before the authority all the documents in support of its claim.

The Chairman of the Municipality shall take a decision with regard to the prayer of the petitioner for refund of the security deposit in accordance with the notice inviting tender and the work order issued in its favour.

The Court, at this stage, is not deciding the objection raised by the Municipality as regards the maintainability of the writ petition, as admittedly, certain amount is due and payable to the petitioner in

respect of a number of work orders according to which the petitioner performed the work.

The Chairman shall pass a reasoned order at the earliest but positively within a period of four weeks from the date of hearing and communicate the reasoned order to the petitioner immediately thereafter.

If any amount is found due and payable, the same shall be released in favour of the petitioner positively within a period of eight weeks from the date of passing the reasoned order, failing which the petitioner shall be entitled to receive the amount with interest @ 2% per annum to be calculated on and from the due date till the date of actual payment.

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.

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(Amrita Sinha, J.)