

02.01.2023
Sl. No.46(ML)
srm

W.P.A. No. 27840 of 2022
Ambiya Shekh & Ors.
Vs.
State of West Bengal & Ors.

Mr. Tanmay Basu,
Mr. Manoj Adak
....for the Petitioners.

Mr. Lalit Mohan Mahata,
Mr. Prasanta Behari Mahata
...for the State-respondents.

Mr. Sattwik Bhattacharyya
...for the Respondent No.7.

The petitioners are some of the residents of Kulpi Development Block, District-South 24-Parganas. They have approached this court with the allegation that the West Bengal Panchayat and Rural Development Agency and the authorities thereunder, have failed and neglected to ensure that the respondent No.7 has been executing the work of construction of the road under the Pradhan Mantri Gram Sadak Yojana, in terms of the specifications mentioned in the work order and the contract.

The learned Advocate for the respondent No.7 denies the allegation and submits that the work is being done as per the specifications both with regard to the

quality of the materials as also the quality of the plant and machinery used for the construction of the road.

A written instruction has been submitted by Mr. Mahata, learned Additional Government Pleader prepared by the Executive Engineer, West Bengal State Rural Development Authority, Diamond Harbour Division. It had been stated that construction of the road having a length of 9.040 kms. is in progress. As per the quality control mechanism under the Pradhan Mantri Gram Sadak Yojana, there exists a three-tier quality monitoring system. Such system had been followed and will be followed in future at different stages of the construction.

The Executive Engineer has stated that the quality of the construction and the materials used shall be checked frequently by the departmental engineer. Before completion of the work, different quality control measures shall be implemented, samples shall be checked by the departmental laboratory as also by the quality control laboratories of renowned engineering colleges.

The road will not be declared to be complete and the respondent No.7 shall not be discharged from the liability under the contract, until such quality control measures are implemented by the authority concerned. As per the contract, the respondent No.7 shall also be bound to

maintain the road for the next five years and to ensure zero defect and zero damage to the road.

Thus, the authority has assured that all steps shall be taken at different stages by holding routine inspection. Quality control measures shall be taken in order to ensure satisfactory completion and maintenance of the road. The respondent No.7 shall be solely liable not only for the construction, but also for the maintenance in the succeeding five years. Steps shall also be taken, as assured by the authorities, in case low quality materials are found to have been used.

A copy of the contract/specifications and as also the written statement filed by the Executive Engineer, West Bengal State Rural Development Authority, Diamond Harbour Division, are taken on record.

Under such circumstances, in view of the above written instruction of the Executive Engineer, West Bengal State Rural Development Authority, Diamond Harbour Division, nothing further remains to be decided in the writ petition. The authority shall act in terms of the submissions made before this Court and ensure that the specification in the contract are followed by the respondent No.7.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are to act on the basis of the server copy of
this order.

(Shampa Sarkar, J.)