

15.03.2023

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WPA 28361 of 2022

Hind High Vacuum Company Pvt. Ltd.
Vs.
The State of West Bengal & Ors.

Md. Shahajahan Hossain
Ms. Sanjida Sultana
... For the petitioner.

Mr. Swapan Kr. Datta, AGP,
Mr. Pradyot Kumar Das
... For the State.

Aliah University, respondent no. 2 in this writ petitioner, floated an e-Tender “For Supply and Installation of Radio Frequency (RF) PECVD Unit for Central Instrument Facility.”

The petitioner emerged as the successful bidder, following which the University issued a work order on December 02, 2019 with a project value of Rs. 51,97,500/-.

The petitioner, accordingly, supplied the required items to the University and raised the bills. The University could not make the necessary payments. However, by a letter dated March 15, 2022, the Registrar admitted the claim of the petitioner with an assurance to release the amount as soon as the University receives the fund from the Government. The affidavit of the University suggests that there is no

intentional laches on the part of the University since the State had not released the necessary funds.

In compliance with the order dated February 23, 2023 the petitioner added Department of Minority Affairs and Madrasah Education as a respondent in this writ petition.

Mr. Swapan Kumar Datta, learned senior advocate appearing for the said department submits that very recently the said department has received the required documents which are currently being scrutinized and processed for the release of funds.

Given the stand of the University and the State, I do not see any reason to keep this writ petition pending.

Accordingly, this writ petition is disposed of with a direction upon the State to scrutinize the documents submitted by the University in connection with the work order issued in favour of the petitioner. Upon scrutiny of the documents, if the State finds the same to be in order, it shall release the necessary funds within a period of one month from the date of communication of this order. Thereafter, the University shall make payment in favour of the petitioner without any delay.

If the State requires any further documents for clarification, it shall promptly requisition the same from the University and the University must furnish the

same within one-week from the date of such requisition.

With the aforesaid directions, **WPA 28361 of 2022** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)