

Sl No.35
27.02.2023.
SB-II

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

**WPA 361 of 2023
D.K. Dey & Co. & Ors.
-versus
The State of West Bengal & Ors.**

Mr. Aniruddha Biswas
Mr. Saurav Sarkar
... for the petitioners.

Mr. Bikramaditya Ghosh
Mr. Pretom Das
... for the State.

It appears from the submissions made on behalf of the parties and the documents annexed to the writ petition that certain payment is due and payable on account of construction of Multi Functioning Alternative Dispute Resolution Centre at Jalpaiguri.

The petitioners admit that payment is released in installments, last of which was cleared on 26th August, 2022. As on date a sum of Rs. 31,62,403/- is due and payable apart from the security deposit, performance guarantee, earnest money deposit, etc. The petitioners also claim interest on account of the delayed payment.

The representations filed on behalf of the petitioners are pending consideration.

None appears on behalf of the District Legal Services Authority.

As it appears that the representation of the petitioners is pending consideration at the end of the

respondent authorities, accordingly, the instant writ petition is disposed of by directing the Executive Engineer (PWD), North Bengal Construction Circle No. II to consider the representation filed on behalf of the petitioners on June 27, 2022 in accordance with law, at the earliest, but positively within a period of twelve weeks from the date of communication of this order.

If it transpires that any amount is due and payable, then necessary consequential steps shall be taken for releasing the same.

It is made clear that this Court has not gone into the merits of the claim of the petitioners and all points are left open to be decided by the aforesaid respondent at the time of consideration of the representation of the petitioners.

Learned advocate for the petitioners is directed to forward copy of the representation dated 27th June, 2022 along with all necessary documents in support of the claim of the petitioners to the aforesaid respondent at the time of communicating the order of this Court.

The writ petition stands disposed of.

Affidavit-of-service filed in Court today is taken on record.

Urgent photostat certified copy 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.)