

03.08.2023
A.P.
Item No.68

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction**

WPA No. 1354 of 2023

**Mphasis Engineers Co-Operative Contract &
Construction Society Limited.
Vs.
The State of West Bengal & Ors.**

Mr. Debajit Kundu
Mr. Suman Saha

...for the Petitioner

Mr. Hirak Barman
Momenur Rahman

... for the State.

Mr. Subhasish Misra

... for the Respondent Nos. 4 to 7.

Affidavit of service is taken on record.

It is contended on behalf of the petitioner that on the basis of a notice inviting tender issued by the Additional Executive Officer, Cooch Behar Zilla Parishad on 23rd June, 2022 and upon compliance of all formalities work order was issued in favour of the petitioner on 18th October, 2022 for repairing of pucca road from Kashiabari Amtala passenger shed to Kashiabari railway station under Uttar Bara Haldibari Gram Panchayat. Upon completion of the said work the Zilla Parishad issued a completion certificate in

favour of the petitioner. The petitioner requested the authority for refunding the amount of the final bill in respect of the work done by the petitioner to the tune of Rs. 23,00,000/- and submitted a representation in this regard before the authority on 8th May, 2022. The representation is yet to be considered. The petitioner prays for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the respondent nos. 4 to 7 places reliance on a notice under section 79(1)(c) of the West Bengal Goods and Service Tax Act and submits that the concerned authority being the Assistant Commissioner of Revenue, Commercial Tax Department, Jalpaiguri requested the Zilla Parishad not to make any payment to the petitioner on the ground that an amount of Rs. 64,78,167/- is due and payable by him to the authority.

Be that as it may, since representation submitted by the petitioner is pending before the authority, the writ petition is disposed of directing the Zilla Parishad, being the 4th respondent herein, to consider and dispose of the representation within two weeks from the date of communication of this order upon affording reasonable opportunity of hearing to all the stakeholders including the petitioner in accordance with law.

The decision taken by the authority shall be communicated to the petitioner within a week thereof.

It is made clear that this Court has not gone into the merits of the case and the concerned authority shall be at liberty to deal with the representation independently and without being influenced by any observation which may have been made in this order.

There shall however be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to be admitted.

Urgent certified website copy of this order, if applied for, be furnished to the parties upon compliance of necessary formalities.

(Suvra Ghosh,J)