

03.08.2023
A.P.
Item No.69

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

WPA No. 1357 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. Bikramaditya Ghosh
Bedashruti Bose

... for the State.

Mr. Subhasish Misra

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

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 24rd November, 2021 and upon compliance of all formalities, work order was issued in favour of the petitioner on 29th December, 2021 for construction of pucca road from Baganbari more to house of Nur Islam at Gyandas – II under Dewanganj Gram Panchayat. The work was completed within the stipulated time and completion certificate issued in favour of the petitioner on 6th July, 2022. The

petitioner prayed for refund of security deposit and earnest money deposited by him and also submitted a representation in this regard before the concerned authority on 8th May, 2022 which has not yet been heeded to. 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)