

03.08.2023
A.P.
Item No.73

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

WPA No. 1362 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. Subir Kumar Saha, AGP
Momenur Rahman

... for the State.

Mr. Subhasish Misra

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

It is submitted on behalf of the petitioner that pursuant to a notice inviting tender issued by the Additional Executive Officer, Cooch Behar Zilla Parishad on 13th December, 2022 and upon compliance of all formalities, the work order was issued in favour of the petitioner on 10th February, 2023 for construction of New Building Wellness Sub Centre (HWC) for HQ Hemkumari within Haldibari Panchayat Samity. Though the petitioner incurred huge expenses for purchasing material for the construction, the actual construction site was not

provided to the petitioner by the authority. The tender period lapsed in the mean time and the petitioner was not in a position to commence construction work due to non availability of construction site. Several requests made by the petitioner for refund of the security deposit and earnest money as well as the expenses incurred by him before the concerned authority were not heeded to.

The petitioner seeks to submit a comprehensive representation ventilating his grievance before the concerned authority and 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 the petitioner seeks to submit a comprehensive representation in this regard before the concerned authority, the writ petition is disposed of with liberty to the petitioner to submit the

representation before the concerned authority within seven days from date. The concerned authority being the 4th respondent herein, is directed to consider and dispose of the representation within two weeks from the date of receipt thereof 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)