

November 28, 2023
Sl. No. 60
Court No.2
srm

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

WPA 2522 of 2023

M/s. Chitta Ranjan Ghosh
vs.
The State of West Bengal and others

Mr. Debayan Goswami

... for the petitioner

Mr. Momenur Rahman
Mr. Bikash Singha

... for the State

The petitioner participated in a tender floated by the PWD, Cooch Behar Division. It is contended that although the final bill had been acknowledged by the respondents, the payment had not been released. The petitioner relies on a communication dated August 25, 2023 of the Executive Engineer, PWD, Cooch Behar Division, to the Superintending Engineer, PWD, North Bengal Construction Circle No.1, which indicates the status of the outstanding payments for the work completed by the petitioner, namely, work completed as the successful bidder in NIT No.19(Sl. No.1) of 2018-19 of E.E.(PWD) pursuant to work order dated February 12, 2019 issued by the Executive Engineer, PWD, Cooch Behar Division.

According to the petitioner, when the authority empowered to supervise the progress of the work acknowledged that the petitioner had not been paid the amount as per the bills, no further confusion remains with regard to the eligibility of the petitioner to receive such payment. The petitioner prays for a mandamus upon the authority to release the payment, in accordance with bills submitted.

Pages 23 and 24 of the writ petition stand testimony to the fact that an amount of Rs.23,48,626/- is due and payable to the petitioner for the work of construction of the proposed Sub-Station building within the compound of MJN Hospital for MC Hub, Cooch Behar Sub Division No.I, PWD.

The learned Advocate for the State-respondents submits that the bill has been submitted to the West Bengal Medical Services Corporation Limited for release of funds. It is further submitted that unless the said authority releases the funds the money cannot be disbursed to the petitioner.

Under such circumstances, the respondent No.2, namely, Managing Director, West Bengal Medical Services Corporation Limited is directed to

release the fund as approved by the Executive Engineer, PWD, Cooch Behar Division, so that the payment can be made to the petitioner, forthwith. The money shall be released by the respondent No.2 within a period of two months from the date of communication of this order and the payment shall be made by the appropriate authority through proper channel within a month thereafter.

If there are valid reasons for not granting the petitioner's claim, apart from paucity of funds, such reasons shall be disclosed to the petitioner.

The writ petition is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)