

November 28, 2023
Sl. No. 61
Court No.2
srm

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

WPA 2523 of 2023

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

Mr. Debayan Goswami

... for the petitioner

Mr. Pretom Das,
Mr. Sandip Guha Roy

... 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 by 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.

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.

Records reveal that by a letter dated August 25, 2023 the Executive Engineer, PWD, Cooch Behar Division, requested the Special Secretary, MERT Branch, Department of Health & Family Welfare to sanction funds for payment of the outstanding dues of the petitioner. Page 25 of the writ petition stands testimony to the fact that an amount of Rs.20,26,000/- was claimed from the authority. The work executed by the petitioner was “conversion of the construction of record room (above eye surgery ward) into 110 seated lecture hall as per MCI requirement at Cooch Behar Govt. Medical College and Hospital, Cooch Behar under Cooch Behar Division PWD”.

Under such circumstances, the respondent No.3, namely, the Special Secretary, MERT Branch, Department of Health & Family Welfare is directed to release the funds as per the demand raised 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.3 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 the authority is of the opinion that the money cannot be disbursed to the petitioner for any other legitimate reason, 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.)