

November 28, 2023
Sl. No. 62
Court No.2
srm

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

WPA 2524 of 2023

Amjad Hossain

vs.

The State of West Bengal and others

Mr. Debayan Goswami

... for the petitioner

Mr. Sunbir Kumar Saha,
Mr. Sumit Kumar

... 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 of the Executive Engineer, PWD, Cooch Behar Division dated August 25, 2023 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, the work in relation to NIT No.19(Sl. No.2) of 2017-18 of E.E./PWD 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, 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.13,71,444/- is due and payable to the petitioner for the work of “construction of a new plant cum manifold room for Medical Gas Pipeline System at Tufanganj S.D. Hospital under Cooch Bench Sub Division No.1, P.WD”.

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 per the bills raised by the petitioner and 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 other valid reason for not granting the petitioner's claim, apart from paucity of funds, such reasons shall be assigned 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.)