

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO/1342/2023

AMAL CONSTRUCTION
VERSUS
THE STATE OF WEST BENGAL AND ORS.

BEFORE :
THE HON'BLE JUSTICE SABYASACHI BHATTACHARYYA
Date : 6th July, 2023

Appearance:
Mr. Sariful Haque, Adv.
Mr. Abhishek Bhattacharjee, Adv.
...for the petitioner.

Ms. Niladri Bhattacharjee, Adv.
Ms. Deblina Chatteraj, Adv.
...for the respondent nos.2 to 6.

The Court : Affidavit of service filed in Court be taken on record.

Learned counsel for the petitioner alleges that, despite a work having been completed by the petitioner for the respondent authorities long back, the security deposit initially deposited by the petitioner is not being returned in terms of the contract by the respondent authorities.

Learned counsel appearing for the respondent nos.2 to 6 submits that the concerned work, even as per the petitioner's, took place as long back as in the year 2010. However, the present claim for security deposit is being made long thereafter, after about 13 years. Thus, the claim is time-barred. That apart, the 'completion certificates' alleged to have been annexed to the writ petition do not tally with the work for which the security deposit is being claimed.

Learned counsel for the respondent nos.2 to 6 further argues that none of the 'completion certificates' indicate that satisfactory work was done by the

petitioner with regard to the contract, for which the security deposit is now being claimed.

Learned counsel for the petitioner submits that unless the exact reason for non-disbursal of the security deposit is given by the respondents, the petitioner is not in a position to satisfy the respondent authorities regarding all aspects of the matter.

Accordingly, on the prayer of the petitioner, WPO/1342/2023 is disposed of by directing the respondent nos.2 to 6 to ensure that the petitioner's representation given to the said authorities is decided expeditiously and in accordance with law, upon giving adequate opportunity to the petitioner, of hearing as well as producing sufficient documents in support of the petitioner's claim.

It is expected that such exercise will be completed by the said respondents within one week from date.

It is made clear that all questions raised in this writ petition are kept open to be decided by the respondent nos.2 to 6.

No order as to costs.

Urgent certified website copy of this order, if applied for, be made available to the parties subject to compliance with the requisite formalities.

(SABYASACHI BHATTACHARYYA, J.)