

D/L. 7.
January 4, 2024.
MNS.

WPA No. 631 of 2023

M/s R. N. Roy, Electrical Contractor
Vs.
The State of West Bengal and others

Mr. Sabyasachi Chatterjee,
Mr. Sayan Banerjee

... for the petitioner.

Mr. Amal Kumar Sen,
Mr. Lal Mohan Basu

...for the State.

1. The present dispute pertains to a money claim of the petitioner for work done by the petitioner.
2. Learned counsel for the petitioner contends that despite sanction having been issued for payment to the petitioner by the appropriate authorities, the respondent authorities are withholding the dues of the petitioner for work done by the petitioner primarily as a backlash to complaints lodged by the petitioner regarding alleged bribery with regard to certain officials of the respondents, which has been referred to the vigilance authorities since.

3. Learned counsel for the respondent authorities, by placing reliance on the affidavit-in-opposition, submits that the respondents have refused the bills of the petitioner on diverse grounds. For example, in certain cases, the work was cancelled prior to being done by the petitioner. In other cases, the petitioner had taken the apparatus of the petitioner from the site etc.
4. However, it transpires from paragraph 6 of the affidavit-in-opposition that the respondents have admitted the current dues of the petitioner with regard to four work orders. **In respect of Acceptance No.96/T of 2019-20, the respondents admitted final assessed dues of the petitioner to the tune of Rs.20,71,711/-. In respect of Acceptance No.113/Q of 2019-20, the admitted amounts of dues of Rs.73,822/-. In respect of Acceptance No. 98/Q of 2018-19, the admitted dues are Rs.75,399/-. Lastly, in respect of Acceptance No. 84/T of 2018-19, the admitted dues are Rs.74,740/-.**
5. Since the said amounts are admitted, there cannot be any impediment in disbursal of the same to the petitioner immediately. However,

with regard to the rest of the claims of the petitioner, since a plausible defence has been set up by the respondent authorities, opportunity of adduction of evidence to prove the respective claims and defences of the parties along with opportunity of cross-examination is required to be given and an adjudication on factual disputes have to be undertaken in detail, which is entirely beyond the domain of the writ court.

6. Accordingly, WPA No. 631 of 2023 is disposed of by directing the respondent authorities to disburse the amounts as quantified in paragraph no. 4 above in favour of the petitioner within a fortnight from date.
7. That apart, in terms of the claims made in averments made in paragraph 8 of the affidavit-in-opposition of the respondent authorities, subject to the petitioner filing an application in appropriate format for refund of security deposit, the respondents shall refund the security deposit, which has been deposited in the name of R. N. Roy Electrical Contractor, as per admission of the respondents, to the petitioner, also within a fortnight from date.

8. With regard to the balance claim of the petitioner, it will be open to the petitioner to approach the competent civil court having jurisdiction to ventilate such grievances by way of a regular money suit. If so approached, the said court shall decide such issues in accordance with law without being influenced in any manner by any of the observations made herein on merits.
9. There will be no order as to costs.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)