

10.07.2024  
Ct. No. 09  
Item No.07  
Cp

WPA No. 3726 of 2023

Ashis Dhawa  
Vs.  
The State of West Bengal & ors.

Mr. Sarwar Jahan  
Mr. Dipankar Mandal

....for the petitioner.

Mr. Rajarshi Basu  
Mr. Saptarshi Guha

.....for the State.

The petitioner was the successful tenderer. The petitioner claims to have completed the work as per the work order issued by the Managing Director & E.O. Joint Secretary, Fisheries Department, the respondent no. 5 herein.

The work order was granted to the petitioner on July 27, 2017. The completion certificate was issued on December 9, 2021. Payments were accordingly made. It is contended that the security deposit is yet to be returned. It has been provided in the offer letter that the security deposit would be released after one year from the date of completion, provided the work was found to be satisfactory, upon verification.

The petitioner relies on the completion certificate in order to substantiate his claim that the work had been successfully completed. At no point of

time did the authority raise any objection in respect of the work done. Payments were also released. Thus, there cannot be any other reason for withholding the security deposit. Such contentions of the petitioners, prima facie, appear to be correct.

The writ petition is disposed of with a direction upon the respondent no. 5 to treat the writ petition as a representation and pass necessary orders.

If the contentions of the petitioner are found to be correct, in that event the security deposit shall be released within three weeks from the date of communication of this order.

An opportunity of hearing shall be given to the petitioner in view of the fact that sufficient time had elapsed since completion of the work.

The writ petition is accordingly disposed of.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

**(Shampa Sarkar, J.)**