

21st March,
2024
(AK)
14

W.P.A 4304 of 2024

Sudeb Ghosh and another
Vs.
The State of West Bengal and others

Ms. Sanghamitra Nandi
...for the petitioners.

Mr. Wasim Ahmed
Mr. Sk.Md. Masud
...for the State.

Ms. Parna Roy Choudhury
...for the respondent no.6.

1. Learned counsel for the petitioner contends that the petitioner worked as a contractor for the PWD, Bidhannagar Circle.
2. A completion certificate for such work was issued on November 22, 2022.
3. Such certificate is annexed at page-36 of the writ petition.
4. However, despite the Executive Engineer of the PWD having written several times to the Managing Director & Ex-Officio Joint Secretary, State Fisheries Development Corporation Ltd., the said authority has not disbursed the balance amount for the work done by the petitioners to the tune of Rs.73,56,185/-.
5. Learned counsel appearing for the respondent no. 6 submits that the respondent no. 6 has also written

to the State on several occasions for such amount to be disbursed in order to have the same paid to the petitioners.

6. However, such requests have fallen on deaf ears.
7. Upon hearing learned counsel for the parties, it is found that it was the duty of the Secretary, Department of Fisheries, Government of West Bengal to disburse the due amount to the respondent no. 6 who would in turn have to send the same to the PWD for payment to the petitioners.
8. However, the claim being not disputed by the PWD and being substantiated by the completion certificate issued to the petitioners, instead of taking the petitioners through the rigmarole of paraphernalia afresh, it is for the State through the Secretary, Department of Fisheries, to disburse the amount immediately to the petitioners.
9. Since the completion certificate was issued long back in November 22, 2022, the petitioners are entitled to interest at least from December, 2022 till the date of payment of the amount to the petitioners.
10. Accordingly, WPA No. 4304 of 2024 is allowed on contest, thereby directing the respondent no. 3, that is, the Special Secretary, Fisheries Department, Government of West Bengal to disburse the amount of Rs. 73,56,185/-, along with

interest calculated at the rate of 8 per cent per annum, to the petitioners from the month of December, 2022 till the date of payment.

11. Such payment along with interest shall be made to the petitioners directly by the respondent no.3 within April 30, 2024.
12. It is made clear that in the event the awarded amount is not paid to the petitioners on or before April 30, 2024, the respondent no. 3 shall, on the amount which accrues up to April 30, 2024 including the interest as directed above, shall pay further interest at the rate of 8 per cent per annum from May 01, 2024 till the date of payment of the amount to the petitioners.
13. It is made clear that the respondent no.2, that is, the Additional Chief Secretary, Government of West Bengal shall be at liberty to initiate an enquiry as to which of the officers of the State were responsible for the inordinate delay in disbursement of the amount to the respondent no. 6.
14. The respondent no. 2 shall, upon conclusion of such enquiry, will be at liberty to take penal measures against such officer.
15. It is expected that such enquiry shall be initiated within a month from date and shall be concluded within an outer limit of six months thereafter.

16. A server copy of this order shall be served by the petitioners on the respondent nos. 2 and 3 for implementation of the above directions.
17. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)