

September 4, 2024
Sl. No.A 36
Court No.9
s.biswas

WPA 6774 of 2024

Sri Debasish Saha

vs.

The State of West Bengal and others

Mr. Pratik Dhar, Sr. Adv.

Mr. Partha Chakraborty

Mr. Arghya Mullick

Mr. Prosenjit Mandal

Ms. Muhammad Obaid

... for the petitioners

Mr. T. M. Siddiqu

... for the State

1. The writ petition has been filed alleging inaction on the part of the respondents in making the fund transfer order (FTO) and clearing a sum of Rs.7,24,55,304/- payable to the petitioner for the material supplied against 337 schemes(banana plantations), pursuant to the supply order dated April 25, 2020. The petitioner was chosen to supply materials to 351 schemes under Kharba gram panchayat.
2. The petitioner places reliance on the completion certificate granted by the Assistant Registrar of Co-operative Societies, Malda Range, dated January 7, 2022. The said authority was functioning as the programme implementing agency. The completion certificate mentions that supply to 337 schemes instead of 351 schemes had been made. Thus, there is no doubt that the petitioner completed 337 schemes as per the

acknowledgement of the authority in the completion certificate.

3. The petitioner contends that unskilled labourers who were engaged for implementation of the scheme had been paid their dues. Whereas, the supplier of the materials, although awarded the completion certification, was not paid a single farthing.
4. It is the specific contention of the petitioner that the fund transfer order has not been issued by the District Magistrate. As a result of which, the PIA could not disburse the amount.
5. Admittedly, the work has been completed as per the completion certificate. The authority did not, at any point of time, raise any dispute with regard to the petitioners claim of supply of materials to 331 schemes. The petitioner had continued regular correspondence with them, but no objection was raised.
6. Under such circumstances, the writ petition is disposed of with direction upon the respondent no.2 to treat the writ petition as a representation and dispose of the same, in accordance with law, upon taking note of the record which speak for itself. Admittedly, the petitioner had completed the work in respect of the 331 scheme and not 351. The consideration will be limited to the

quantum of work completed by the petitioner and not beyond.

7. The District Magistrate shall, upon consideration of the writ petition and upon hearing the petitioner as also the PIA, pass necessary orders for fund transfer, so that the said amount can be paid to the petitioner by the appropriate authorities, in accordance with law. If there are other reasons for not considering the prayer, such reasons shall be disclosed. However, the claim should be restricted to the completion certificate. The entire exercise must be completed within a period of three months from the date of communication of this order.
8. The writ petition is thus disposed of.
9. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)