

Item No.7
24.07.2024
Court. No. 9
GB

W.P.A. 8116 of 2024

Goutam Choudhury
Vs.
The State of West Bengal & Ors.

Mr. Sanjib Dan,
Mr. Subhrajyoti Ghosh

...for the Petitioner.

Mr. Somnath Ganguli,
Ms. Priyamvada Singh

...for the State.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner is a government contractor and participated in a tender process floated by the Superintending Engineer, P.W.D., Western Circle-I, Burdwan. The petitioner's bid was accepted and the work order was issued. The time for completion of the work was 150 days. Upon completion of around 50% of the work, the petitioner prayed for release of funds as per the first R.A. bill. The work was for repair and renovation of the office of the Chief Medical Officer of Health, Burdwan in the district of Purba Bardhaman under the Burdwan Division, P.W.D.
3. It is contended by the petitioner that even after completion of 50% of the work, the running account bill which was raised and verified by the authorities, was not cleared by the concerned authority and no disbursement was made. Hence, the writ petition has been filed. Further contention of the petitioner is that

the work cannot proceed unless the funds are released, as the petitioner is facing huge financial crunch. It is further contended that the terms and conditions of the contract provide that regular running account bills should be raised and the money would be released upon verification and vetting by the competent authority.

4. The Executive Engineer-I, Burdwan Division, P.W.D. has submitted a report in the form of instructions to the learned Additional Government Pleader. The report states that it was an admitted fact that the petitioner was entrusted the work and Rs.29,74,780/- was raised in the first R.A. bill. The requiring body was asked to deposit the said sanctioned amount, but the authority failed to do so. As such, the Executive Engineer-I, Burdwan Division was not in a position to disburse the amount.
5. It appears from the communication that the money has not been released from the finance department. It further appears that the administrative approval of the work was granted at the appropriate level with a rider that necessary funds would be released from the end of the competent authority as per the demand of the Executive Engineer, P.W.D.
6. Under such circumstances, it was incumbent upon the P.W.D. authorities who are responsible for execution of the work to make a demand for the amount payable to

the petitioner as per their own assessment against the first R.A. bill. The said authority has not questioned the amount claimed by the petitioner in the first R.A. bill.

7. Under such circumstances, the Executive Engineer-I, Burdwan Division, P.W.D. shall approach the finance department by raising a demand, if not already done and the finance department shall release the amount to the P.W.D. directorate for onward payment to the petitioner as per the administrative approval already granted and as per the terms and conditions of the tender document.
8. The entire exercise shall be completed within a period of two months from the date of communication of this order.
9. Accordingly, the writ petition is disposed of.
10. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)