

11.07.2024
Sl. No.4
AKG
Ct.No.15

WPA 8974 of 2024

R. K. Construction
Vs.
State of West Bengal & Ors.

Mr. Sarbananda Sanyal,
Ms. Poulami Chakraborty
..for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Arka Kumar Nag
Mr. Tirthankar Dey
..for the BMC

It is the grievance of the petitioner that a work order was issued in its favour for “Development work at Market to Kabarsthan at Narayanpur within Ward no. 3 under Bidhannagar Municipal Corporation.” The value of the work order was Rs.55,72,035.13/-.

Though it had successfully completed the work within the stipulated period, nothing was been paid to him by the Corporation.

The Corporation contests the claim of the petitioner. The Corporation suggests that the completion certificate has not been issued in favour of the petitioner, which goes to suggest that there are some disputes with regard to the execution of the work order.

The Corporation relies upon a judgment dated April 3, 2024, passed in MAT 2538 of 2023 (Jaya

Construction & Company & Anr. Vs. State of West Bengal & Ors.) to argue that the prayer of the petitioner should not be entertained by this Court.

I am unable to accept such contention. In fact, I am inclined to dispose of this writ petition in the light of the aforesaid judgment passed by the Division Bench.

Accordingly, without going into the disputes, I dispose of this writ petition giving a direction upon the Commissioner, Bidhannagar Municipal Corporation to consider the representation of the petitioner dated January 11, 2024, in accordance with law upon granting an opportunity of hearing to the petitioner. If the Commissioner finds that the petitioner executed the work order to the satisfaction of the Corporation, he shall release the dues to the petitioner within a period of one month from the date of communication of this order. If the Commissioner is of the view that the petitioner could not execute the work order or there are other reasons for which the amount claimed by the petitioner should not be paid, the Commissioner shall pass a reasoned order and communicate the same to the petitioner forthwith.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Accordingly, **WPA 8974 of 2024** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)