

October 1, 2024
Sl. No.13
Court No.9
s.biswas

WPA 12227 of 2023

Biswabhusan Chakraborty
vs.
The State of West Bengal and others

Mr. D. K. Adhikari
Mr. Asit Bera
Mr. Kousik Sahoo

... for the petitioner

Mr. Md. Mansoor Alam
Mr. Chandan Kumar Mondal

... for the State

1. The petitioner was a contractor who was issued the work order by the Superintendent, M. R. Bangur Hospital, Kolkata to supply meals to the hospital staff and employees. The petitioner contends that the money for the same has not been paid. The petitioner claims dues of Rs.5,23,76,563/-, out of which the petitioner claims to have received Rs.3,93,69,937/-. Such payment was received by the petitioner till April 30, 2021 and that too in several instalments. Subsequently, on October 29, 2022 the petitioner received Rs.29,06,977/-. At present, the dues as claimed by the petitioner is Rs.76,84,981/-.
2. The fact that part payments have been released, indicates that the petitioner's claim to have participated in the contract and of having supplied meals to the doctors, nurses and other staff of the hospital, is not in dispute. The only issue is whether the remaining amount of

Rs.76,84,981/- should be paid to the petitioner as full and final settlement of the dues.

3. Under such circumstances, the writ petition is disposed of with a direction upon the Superintendent, M.R. Bangur Hospital, Kolkata to ensure payment of the remaining amount payable to the petitioner, in respect of the work order which is the subject matter of this writ petition.
4. It is made clear that if the authority requires release of funds by a higher authority or any other competent authority, an intimation for such release of funds shall be made forthwith. The competent authority, upon receipt of such request shall disburse the money to the Superintendent, M.R. Bangur Hospital within November 15, 2024. Upon receipt of such amount, the same shall be released in favour of the petitioner, within a period of two weeks thereafter.
5. If the authorities are of the view that the money claimed by the petitioner is either fully inadmissible or partially inadmissible, a reasoned order shall be passed, informing the petitioner within the aforementioned period the grounds on which the remaining claim of the petitioner as a whole or in part cannot be acceded to by the authority. Even if partial claim is allowed, the payment must be made within the time frame mentioned hereinabove.

6. Accordingly, the writ petition is disposed of with a direction upon the petitioner to serve a copy of the writ petition along with the server copy of this order upon the respondent no.2 for compliance.
7. There shall be no order as to costs.
8. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)