

AD-25  
Ct No.09  
20.05.2024  
TN

WPA No. 14072 of 2024

Bhaskar Chakraborty  
Vs.  
State of West Bengal and others

Mr. Srijib Chakraborty,  
Mr. Aditya Mondal,  
Ms. Oindrila Ghosal

.... for the petitioner

Mr. Anirban Roy, Ld. GP,  
Mr. Sk. Md. Galib, Ld. Sr. Govt. Adv.,  
Mr. Tanoy Chakraborty

.... for the State

1. Affidavit-of-service filed today be kept on record.
2. The petitioner did certain work for the respondent-authorities. However, part of the amount due to the petitioner for such work remained unpaid.
3. Learned counsel for the petitioner further argues that from the communication of the respondent no. 5 to the respondent no. 3 dated May 24, 2023 annexed at page-108 of the writ petition, it transpires that the dues as claimed by the petitioner was admitted by the respondent no. 5 and it has also been admitted that the work was completed satisfactorily.
4. However, learned counsel for the petitioner submits that neither the said admitted dues have been paid to the petitioner nor has the security deposit been released in favour of the petitioner. Moreover, although the

Executive Engineer, PWD, the respondent no. 5, admits that the work was completed satisfactorily, no completion certificate has also been issued to the petitioner, thereby depriving the petitioner of his legitimate dues.

5. Since none appears for the respondent no. 3 to dispute the contentions of the petitioner although due service has been effected and it transpires from the communication dated May 24, 2023 that even from the perspective of the tender inviting authorities, the work was completed satisfactorily by the petitioner, there cannot be any plausible reason for withholding the bills due to the petitioner as well as the security deposit and completion certificate.
6. Accordingly, WPA No. 14072 of 2024 is allowed on contest, thereby directing respondent no. 3 to disburse the dues of the petitioner to the tune of Rs. 21,75,556/- on account of the work done by the petitioner in lieu of unpaid dues as well as the security deposit of the petitioner to the tune of Rs. 10,13,397/-, for payment to the petitioner, in favour of the respondent no. 5 within four weeks from the date of communication of this order to the respondent no. 3.
7. Upon such disbursal being made in favour of the respondent no.5, the latter shall pay the same to the petitioner within a week thereafter.

8. The respondents shall also ensure that a completion certificate is issued to the petitioner on account of the work done by the petitioner within four weeks from the date of communication of this order to the respondent no. 3.
9. There will be no order as to costs.
10. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)