

11.06.2024
Ct. No. 2
Sl. No. 45
tbsr

WPA 13128 of 2023

Pradip Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Malay Bhattacharyya
Mr. Subhrojyoti Ghosh
Ms. Sudipa Sengupta
.....for the Petitioner

Mr. Lalit Mohan Mahata
Mr. Ziaul Haque
.....for the State

Affidavit of service filed in Court today is taken on record.

Mr. Lalit Kumar Mahata, learned Additional Government Pleader with Mr. Ziaul Haque, learned advocate appear for the State respondents.

Pursuant to a tender floated by the relevant Panchayat Samiti the petitioner carried out installation of five numbers of cylinder Tube wells. The petitioner raised its final bill for a sum of **Rs.2,50,960/-** at **page 23** to the writ petition. The Executive Officer of the relevant Panchayat Samiti out of the said sum had approved and passed a sum of **Rs.2,50,723/-**. The work satisfaction/completion certificate was issued by the Executive Officer of the concerned Panchayat Samiti at **page 23** to the writ petition. The petitioner

then made a representation on **July 7, 2022, Annexure P-4 at page 24** to the writ petition claiming the dues. The respondent No. 5 had not paid any attention thereto.

Considering the submissions made on behalf of the petitioner to sub-serve justice, the respondent No. 5 is directed to hold a meeting with the petitioner. The respondent No. 5 on an advance notice of **three days** shall inform the time, venue and date of the meeting to the petitioner and upon verification of all the relevant documents and records shall take all necessary steps and consequential steps to release payment in favour of the petitioner along with interest @ **8% per annum** from **July 7, 2022** when the demand was raised by the petitioner, **Annexure P-4 at Page 24** to the writ petition.

The respondent No. 5 shall carry out the entire exercise as directed above including disbursing and making the payment in favour of the petitioner positively within a period of **four weeks** from the date of communication of this order. The interest shall be paid as directed above **till the date of actual tendering of amount to the petitioner.**

However, if any, contrary material is there on record which will make the petitioner ineligible to receive the payment then the respondent no. 5 shall give

its reasoned decision and communicate the same to the petitioner positively within a period of **one week** from the date of the said meeting to be held as directed above.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms and with the above directions, this writ petition **WPA 13128 of 2023** stands **disposed of**, without any order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)