

21.08.2024
Court No.09
Item no.14
CP

WPA No. 15136 of 2024

Bhattacharyya Enterprise
Vs.
The State of West Bengal & ors.

Mr. Kalyan Kumar Chakraborty
Mr. Vivek Kumar Pandey
Mr. Gopal Krishna Sarkar
... for the Petitioner.

Mr. Bibek Jyoti Basu
Ms. Moumita Karmakar
....for the State.

Relegating the petitioner to the other avenues as per the contract agreement is not required as there is no dispute arising out of the contract .

Mr. Basu's contention that as the contract was non-statutory in nature the petitioner should file a suit, is not accepted. It appears that the Executive Engineer, PWD, Murshidabad Electrical Division issued letter of acceptance on behalf of the Governor of the State of West Bengal. Thus, the State authorities had entered into the contract with the petitioner. Moreover, it is an admitted position that the petitioner had executed the work as would appear from page 18 of the writ petition, which is the completion certificate. The work related to 'Renovation and augmentation for establishment of a 24 bedded Hybrid Critical Care unit (8CCU & 16

HDU beds) at MCH/DH/SDH/SSH level –Internal EI Work incl. SITC of DG, UPS etc at Jangipur Sub-Divisional Hospital at Raghunathganj, I block in the district of Murshidabad. The gross value of the bill was Rs.41,98,522/-.

It is contended that partial payment was also made. Thus, the petitioner now claims Rs.15,74,666/-. Once the authorities had accepted the claim of the petitioner and had issued the completion certificate, there is no reason why the writ petition should not be entertained by directing the Executive Engineer, PWD, Murshidabad Electrical Division to disburse the remaining payment as deemed fit and proper by the authority. Part payment had already been made.

If the funds have to be sanctioned by some other authority, the Executive Engineer shall raise the demand in accordance with law and the fund sanctioning authority shall release the funds.

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

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)