

13.08.2024
Sl. No. M/L. 56
ss

W.P.A. 15232 of 2024

Sarabindu Banerjee
Vs.
The Commissioner, Durgapur Municipal Corporation
& ors.

Mr. Debapriya Gupta
Mr. Bhaskar Dutta Gupta
Ms. Pinky Shaw

...for the petitioner

Mr. Sandipan Banerjee
... for the Durgapur Municipal Corporation

Mr. Ranjit Rajak

... for the State

Affidavit of service is taken on record.

The petitioner was the successful bidder who was awarded the contract to construct pay and use toilets under the Green City Mission. The scheme was floated by the Government of West Bengal. The Durgapur Municipal Corporation was the executing body.

It is contended by the petitioner that the work was completed long back but the money has not been paid. Only part payment (50% of the bid amount) was released.

Mr. Sandipan Banerjee, learned Advocate for the Durgapur Municipal Corporation submits that the completion certificate is yet to be issued. It is further submitted that the

money must be released by the Government of West Bengal, for payment to the contractor.

Under such circumstances, this Court finds that the matter should be resolved with the intervention of the Principal Secretary, Urban Development Department, Government of West Bengal, in consultation with the Durgapur Municipal Corporation and the petitioner.

The petitioner has specifically averred that the work was completed in 2018. The Durgapur Municipal Corporation submits that the balance amount can be paid subject to issuance of completion certificate or at least upon the authority coming to a specific finding that the work was completed.

The dispute has to be resolved by a physical inspection and the Principal Secretary, Urban Development Department, Government of West Bengal shall cause such inspection through any authorised representative on behalf of the Urban Development Department in the presence of the representative of the Durgapur Municipal Corporation and the petitioner. If it is found that the petitioner had completed the work as per the work order on physical verification of the works to be identified by the petitioner, in that event, the money shall be released by the Government to the Municipal Corporation for disbursement to the petitioner. If it is found that the money in total had been released by the Municipal Corporation but 50%

of the bid amount remained unpaid, necessary order shall be passed by the Principal Secretary, Urban Development Department, Government of West Bengal upon the Municipal Corporation to disburse such payment. If the petitioner is found to be ineligible to receive the balance payment, reasons shall be assigned by the Principal Secretary of the Department.

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

The writ petition is, thus, disposed of.

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

(Shampa Sarkar, J.)