

21.08.2024
Court No.09
Item no.16
CP

WPA No. 15675 of 2024

Bhaskar Chakraborty
Vs.
The State of West Bengal & ors.

Mr. Srijib Chakraborty
Mr. Aditya Mondal
Ms. Rupsa Sreemani
... for the Petitioner.

Mr. Suman Sengupta
Ms. Amrita Panja Moulick
....for the State.

The petitioner alleges that the work of Electrical Installations to arrange Split Air Conditioning machines with Electric Power Point (multiplug) for installation of Medical Equipments for the New Covid-19 SNCU ward, at Bolpur SD Hospital. was successfully completed. The petitioner refers to a communication made by the Junior Engineer (Electrical), Bolpur Electrical Section dated August 14, 2023 to the Superintendent, Bolpur Sub-Divisional Hospital. It is contended by the petitioner that an amount of Rs.11,95,457/- is payable to the petitioner on account of such work.

Learned advocate for the State submits that the work was done for the Sub-Divisional Hospital. The hospital authority is the disbursing agency, although the money will be paid by the Government.

The petitioner refers to the bid documents and submits that the defect liability period was for one

year from the completion of the work and the said period is also over, but no payment has yet been received.

It is also contended that neither the hospital authorities nor the PWD authorities who are responsible for execution of the project, have raised any objection in the past one year.

Under such circumstances, the writ petition is disposed of with a direction upon the Executive Engineer (Electrical), PWDTE, Birbhum Electrical Division, respondent no. 6, to make an inspection and decide whether the project was completed. If the project had been completed, a completion certificate shall be issued. The payment shall be disbursed to the petitioner as per the admissibility. The amount payable shall be assessed by the Executive Engineer (Electrical), PWDTE, Birbhum Electrical Division. The security deposit shall also be refunded accordingly, if the petitioner's work is satisfactory. A reasoned order shall be passed and communicated.

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.)