

ML 321
08.07.2024
Court. No. 9
GB

W.P.A. 16911 of 2023

Krishnendu Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Dipankar Mandal,
Md. Yusuf Ali

...for the Petitioner.

Ms. Rupsha Chakraborty

...for the State.

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

Despite service, none appears on behalf of the State respondents. Ms. Rupsha Chakraborty, learned advocate is directed by this Court to appear in this matter. Her appearance may be regularized.

The petitioner has made an innocuous prayer that the tendering authority be directed to decide the representation of the petitioner with regard to the pending bills. The petitioner has already approached the authorities, but to no avail.

Under such circumstances, the writ petition is disposed of directing the respondent no.3 or the appropriate authority responsible for sanctioning the bills and releasing payments to the petitioner, to treat the writ petition as a representation and dispose of the same in accordance with law. The petitioner will be called for a hearing. The concerned engineer who was connected with the supervision and monitoring of the work, shall also be heard. A reasoned order shall be passed.

If the authority finds that the full claim or partial claim should be allowed, the authority shall release the funds and if the authority finds that the payment cannot be made for any reason or breach, then such reasons shall be disclosed by an order. The order shall be communicated.

The entire exercise, either allowing or rejecting the claim shall be completed within a period of three months from the date of communication of this order.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

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

(Shampa Sarkar, J.)