

08.08.2024
Sl. No.38(DL)
srm

W.P.A. No. 20841 of 2022
M/s. Nayak Enterprise & Anr.
Versus
The State of West Bengal & Ors.

Mr. Vivekananda Bose,
Mr. Ratikanta Pal

...for the Petitioners.

Mr. Samrat Sen,
Mr. Amitava Mitra

...for the State-respondents.

Substantial time has lapsed since the writ petition has been filed. During the pendency of the writ petition, several actions have been taken by the respondents. The contract of the petitioners was terminated and the petitioners were also debarred from participating in any tendering process under the Bankur Agri-Irrigation Circle for a period of two years. Such period of debarment also expired on June 28, 2024.

The petitioners contend that the enquiry report records an admission on the part of the authorities that some portion of the work had been completed by the petitioners. Accordingly, the petitioners submit that the payment in respect of such work, which was completed, should be released.

The petitioners have pointed out the recommendations in the report prepared by the enquiry committee, which is at page 54 of the writ petition. The said recommendations are quoted below:

“RECOMMENDATIONS: After due scrutiny of Schedule, Measurement Books, Level Books, documents submitted by the respective Agency, the recommendations of the Committee are as follows:

- i) As Post-work data of the DGPS survey are impractical, calculation of the excavated earth from the DGPS data is invalid and not acceptable. The survey done through Auto Level may be accepted.
- ii) The Committee decided that, the volume of earth as calculated by the Sub- Divisional office is acceptable, as were scrutinized by the team which is 2,31,596.266 M² (Two lakh thirty one thousand five hundred ninety six point two six six cu. mtr.) as reflected in Measurement Book No.- 956, Page no.- 15 to 38.
- iii) One of the main objectives of the scheme was to construct earthen embankment at three sides of the reservoir (East, West and South) to enhance the beauty of the reservoir for promoting Tourism. So, construction, dressing and leveling work of the embankment must be done as per instruction of E-1-C. (Annexure-IV).
- iv) The damaged boundary wall of Ramananda College, Bishnupur must be repaired immediately. This matter was intimated to the agency by the Sub-Divisional office time to time but till date he had not done the required works. (Annexure-IV).
- v) Rectification of protection work at North side embankment as per correspondence of the Assistant Engineer (A-I), Bishnupur (A-1) Sub-Division vide no. 522 dt. 20/09/2019, is to be done. (Annexure-IV).”

Considering the recommendations of the report of the enquiry committee, this Court is of the view that the respondent

No.4 should be approached by the petitioners with the prayer made in this writ petition and the said prayer should be disposed of within a month from the date of receipt of the representation of the petitioners. The authority will pass a reasoned order indicating whether the petitioners are entitled to the money for the work which had been completed. If the decision is in favour of the petitioners, the money shall be released. A hearing shall be given to the petitioners and the authority responsible for supervising the work.

The writ petition is, thus, disposed of.

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.)