

September 24, 2024
Sl. No.4
Court No.9
s.biswas

WPA 23957 of 2024

United Construction Service and another
vs.
The State of West Bengal and others

Mr. Srijib Chakraborty
Mr. Aditya Mondal
Ms. Oindrila Ghosal

... for the petitioners
Mr. Biswabrata Basu Mullick, AGP
Mr. Ratul Biswas

... for the State

1. The petitioner prays for a direction upon the respondents to release the payment for completion of electrical works which had been undertaken by the petitioner in 2021, during the assembly election, in respect of 13 contracts. The work orders were issued by the Executive Engineer, Public Works Department, North 24 Parganas Electrical Division.
2. The petitioner submits that full payment for each of such contract was not made, although part payment had been made. The petitioner has not been able to satisfy this court whether any completion certificate was issued by the authority or not.
3. Under such circumstances, the writ petition is disposed of with direction upon the Executive Engineer, Public Works Department, North 24 Parganas Electrical Division to treat the writ

petition as a representation of the petitioner and decide whether full payment as claimed by the petitioner in respect of all 13 contracts can be released or not. If the authority is required to hold an enquiry or inspection in order to ascertain whether the work as required by the terms and conditions of the contract had been completed, the authority will be at liberty to do so in the presence of the petitioner as also in the presence of the official engaged by the authority to supervise and oversee the work.

4. If the authority is satisfied that the work was completed as required, money shall be released in favour of the petitioner as per the petitioner's claim or as the authority deems fit and proper. If any other department of the government is required to release the fund for such payment, the authority shall make such requisition. The fund shall be released for payment to the petitioner. If the authority finds that the petitioner's work was either incomplete or partially complete, then necessary order shall be passed either denying the entire remaining claim or part of the claim as the authority deems fit and proper, with proper reasons.

5. The entire exercise shall be completed within a period of four months from the date of communication of this order.
6. Accordingly, the writ petition is disposed of.
7. All the parties are directed to act on the basis of the server copy of the order.

(Shampa Sarkar, J.)