

20-12-2024
Item No.8
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
Appellate Side

WPA No.25871 of 2024
Srirup Dutta

-vs-

Kolkata Metropolitan Development Authority & Ors.

Mr. Chayan Gupta
Ms. Sinthia Bala ...for the petitioner

Mr. Sirsanya Bandopadhyay
Mr. Avishek Guha
Ms. Debika Mishra
Mr. Ankush Majumdar ...for the respondents

1. Affidavit filed by the petitioner apropos the communication made by the Superintending Engineer of KMDA on December 2, 2024 is taken on record. Certain issues have been raised by the Superintending Engineer by his letter dated December 11, 2024.
2. Upon hearing the submissions made on behalf of both the parties and upon perusal of the materials on record, the court is inclined to direct the Kolkata Metropolitan Development Authority (KMDA) to permit the petitioner to resume the work and complete the same positively within the extended period of ten months starting from January 1, 2025.
3. The terms and conditions as mentioned in the initial notice inviting tender shall be strictly adhered to by the parties.
4. No new terms and conditions are being permitted to be read with or incorporated in the notice

- inviting tender. Only because it has been fervently submitted that the work site could not be handed over in proper time which in turn caused the delay in execution of the work, accordingly, the period for completion of the work is being extended giving one more opportunity to the petitioner to conclude the work so as not to delay the project any further.
5. As regards the right to claim liquidated damages, the same can be invoked if the work is not completed within the extended period.
 6. It is expected that the petitioner will resume work in the right initiative and complete the same in the manner and within the time as mentioned in paragraphs 4 and 5 of his affidavit affirmed on December 4, 2024.
 7. The writ petition is thus disposed of.
 8. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
 9. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

