

21.08.2024
Sl. No.5(DL)
srm

W.P.A. No. 28284 of 2023

Asim Krishna Modak

Versus

The State of West Bengal & Ors.

Mr. Kalyan Kumar Chakraborty,
Mr. Gopal Krishan Sarkar,
Mr. Vivek Kumar Pandey

...for the Petitioner.

Mr. Biswabrata Basu Mallick, Id. AGP
Mr. Ratul Biswas

...for the State-respondents.

The petitioner alleges that an amount of Rs.19,07,025/- is due and payable on account of work that was completed satisfactorily. The work related to setting up & providing logistic support to the CAPF/SAP to be deployed at 12 premises at Samserganj PS, Suti PS and Farakka PS, during the Assembly Election 2021.

It appears that the petitioner had moved earlier before this Court in respect of a similar nature of work and an order was passed directing the authorities to consider his claim. An amount of Rs.39,87,235/- was paid.

Now, the petitioner has filed the writ petition claiming Rs.19,07,025/- towards some other works of similar nature.

It appears that the authority, i.e. Executive Engineer, PWD Murshidabad Electrical Division, Berhampore, Murshidabad, is willing to release the money upon receipt of funds from the Department of Home and Hill Affairs. The Department of Home and Hill Affairs is represented before this Court.

The writ petition is disposed of with a direction upon the Department of Home and Hill Affairs to release the fund in favour of the Executive Engineer, PWD Murshidabad Electrical Division, Berhampore, Murshidabad, within two months from date and the said authority shall make the payment as payable to the petitioner within a month thereafter.

If the funds have to be sanctioned by some other authority, the Executive Engineer, PWD, Murshidabad Electrical Division, Berhampore, Murshidabad, shall raise the demand and the fund sanctioning authority shall release the fund.

It is made clear that once the completion certificate has been issued to the petitioner, the petitioner cannot be made to wait for an unlimited period of time to receive the payment for the work he has completed, in the assessment of the authority.

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.)